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# Parliamentary History.

## VOL. XII.

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# COBBETT'S

# Parliamentary History

OF

# ENGLAND.

FROM THE NORMAN CONQUEST, IN 1066,

TO

THE YEAR 1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,

"COBBETT'S PARLIAMENTARY DEBATES."

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## VOL. XII.

## A. D. 1741—1743.

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LONDON:

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FOR LONGMAN, HURST, REES, ORME, & BROWNE; J. RICHARDSON; BLACK, PARRY, & CO.; J. HATCHARD; J. RIDGWAY; E. JEFFERY; J. BOOKER; J. RODWELL; CRADOCK & JOY; R. H. EVANS; E. BUDD; J. BOOTH; AND T. C. HANSARD.

1812.

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# PREFACE.

THE present Volume brings the Parliamentary History of England down to the year 1743; at which period, by rather a singular coincidence, the Debates compiled for the Gentleman's Magazine by Doctor Johnson, the Manuscript Reports of Archbishop Secker, and the Collections of Chandler and Timberland—all end.

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LONDON, 5, *Panton Square*,
*July* 25, 1812.

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Omission in Vol. X.

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### Lord High Chancellor.

1737. Feb. 21. Philip, Lord Hardwicke, (created Viscount Royston, and Earl of Hardwicke, 1754.)

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MASTER OF THE ROLLS.

1741. Nov. 7. William Fortescue, esq.

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1737. Jan. 26. Sir Dudley Ryder, knt.

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1737. Jan. 26. John Strange, esq.
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# Parliamentary History.

## 14 GEORGE THE SECOND,
## A. D. 1741.

*DEBATE in the Lords on the Place Bill.**] February 26, 1741. The order of the day being read for the second reading of a Bill entitled, 'An Act for the better securing the freedom of parliaments by limiting the number of officers in the House of Commons.' The said Bill was read a second time, and it being moved to commit the Bill, the same was objected to. After debate, the question was put, Whether the said Bill shall be committed? It was resolved in the negative. Content 44. Not content 63.

*Protest on rejecting the Place Bill.*] The following Protest was thereupon entered on the Journals:

"Dissentient' Northampton, Shaftsbury, Stanhope, Clifton.

1. "Because we conceive, that our constitution itself points out this Bill as one of its principal securities; a due poize and independency of the three several consti-

* *From the SECKER Manuscript.*

Feb. 26. The Place Bill read a second time: Question, whether it shall be committed?

*Devonshire.* This Bill is more calculated to keep the Commons from dependance than corruption. Passing it would be a censure upon the proceedings of parliament and our own Resolutions. A parliament of a different complection from the present, would be a great public harm. [Here he spoke in his own defence, against the imputation of being influenced by a place.] The power of the Commons hath increased, and taking away from any other branch of the legislature must increase theirs. Reasons against this Bill appear upon your Journals. Read 11th February, 1705.

*Talbot.* Taking from the crown a power that may be indirectly used, is not destroying the constitutional dependance of the House. The Commons have often rejected this Bill. Now they pass it, when they are to seek the favour of their constituents. This they would not do if they thought it a reflection on themselves. In 52 counties which send 92 members, there are but 10 in employment. I am far from thinking it a right Bill in its present state: but make it so.

*Ilay.* Read the act for securing the Protestant succession, in 1705.

The Act read.

N. C. 63.

C. 44, of which bishops of Glocester, Oxford.

The Reason for this Bill is, that over great dependency of the Commons on the crown must be fatal, and places during pleasure have a tendency to create this. Therefore they may be too many. Therefore it may be useful to restrain them.

Objection 1. Resentment or desire of places, may influence also. But may not this influence be counterbalanced by a restrained number of places?

2. It is taking away the people's liberty to chuse, and gentlemen's capacity to be chosen. But this is done in many instances already. And may be done in more, if the public good require. That, therefore, is the only question.

3. It will be expected the Lords should lie under the same restraints. And if there appear the same reason, let them. If not, the case is not parallel.

4. If the Commons cannot have so many places, they will get all the good ones. But the rank and merit of the Lords will entitle them to their share. At least the liberties of the nation are of more importance than this.

5. It will be a security to the nation that persons in place will have an interest in securing the privileges of parliament. But this security is from persons in great places, who will still be in parliament; not from persons in small ones, whose influence can do no good, and whose votes, corruptly given, may do great harm.

6. There are not places enough left. Commit it then, and put in more. To say, as hath



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tuent parts of the supreme legislative power, being required by the spirit of our constitution, and absolutely necessary to its existence. If any one of these becomes dependent on the other, the constitution is dangerously altered, but if any two become dependent on the third, it is totally subverted, and the wisest establishment that ever was formed of a free government, shrinks and degenerates into a Monarchical and Aristocratical, or Democratical faction. We therefore think we cannot be too careful in providing against whatever may, at any time, affect this just poize, and necessary independency of the three estates. And this caution seems the more requisite, now, when, from the inevitable variation of things, employments are become exceedingly numerous, and are yet further artfully split, divided, subdivided, and encreased in value, in order to add both extent and weight to their influence. Two hundred employments are distributed in the present House of Commons! a dangerous circumstance: and which, if it could have been foretold to our ancestors even in the latter end of the last century, the prediction would have been rejected by them as chimerical; or, if believed, lamented as fatal. And, should the number of employments continue to increase in the same proportion, even we may live to see, for want of this Bill, a constant majority of placemen meeting under the name of a parliament, to establish grievances, instead of redressing them; to approve implicitly the measures of a court, without information; to support and screen the ministers they ought to controul or punish; and to grant money without account; or it may be without bounds. In which case, the remaining forms of our constitution would, by creating a fatal delusion, become our greatest grievance.

"2. Though we do not absolutely assert, that employments necessarily must, yet we cannot suppose, that they never will influence the votes and conduct of the gentlemen of the House of Commons; for such a supposition would be equally conclusive against all the acts of parliament now in force, limiting the number of officers of any kind in that House. And, in a case of such importance, we think it would be the highest imprudence, to trust the very being of our constitution to bare possibilities; especially if an experience, which we rather chuse to hint at than enlarge upon, should give us just reason to suspect that former parliaments have felt the effect of this baneful influence; almost all persons in employments having voted invariably on the same side of the question, often against the known and signified sense of their constituents, and sometimes perhaps even contrary to their own private declarations; and no sooner did any presume to deviate from the ministerial track, than they were divested of those employments that failed of their intended influence. But, admitting that the present House of Commons has kept itself most untaintedly pure from such pollution; yet we think it necessary, not to expose future parliaments to such a trial, nor the constitution to the uncertainty of the decision.

"3. Because, though it should be granted, that this Bill would have restrained in some degree the liberty of the electors, that objection has no weight upon this occasion; every law being, in some degree, a restraint upon the natural liberty of man, but yet justly enacted, wherever the good of the whole (which should be the object of every law) is promoted thereby; and we apprehend, that this restraint is of such a nature, that those only will be uneasy under it who intended to abuse the liberty. The votes of the electors of Great Britain, if unbiassed, would rarely concur in the choice of persons avowed creatures of a minister, known dependants

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been said on another occasion, that it hath been in effect committed already, is destroying the ancient and useful forms of proceeding in this House.

7. It condemns his majesty's administration. No. It is only a provision against future dangers. And if they are supposable ones, the speediest provision is the wisest. The better the administration is, the likelier this will be to pass.

8. It is altering the constitution. No. It is only carrying what hath been done somewhat farther. The increase of places is altering our constitution. And a balance must be found to that.

When the Evil is become very great, such a Bill will not pass. It hath now for once passed the Commons. If with a desire that it should pass here, why should it not? But doth any body think now, that the Commons expect great matters to themselves from this Bill, and want it to pass? And if they want the contrary, how are we treated, and shall we consult our own honour by doing unpopular work for them? There is no instance of such complaisance on their side. And this amongst others would be a very wrong one on ours.

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on a court, and utterly unknown to those who elect them. But if, in an age when luxury invites corruption, and corruption feeds luxury, there is too much reason to fear, that the people may be prevailed upon, in many places by a pecuniary influence, to give their votes to those whom their uninfluenced sentiments would reject with indignation or contempt; we think it necessary to lay this just and constitutional restraint upon the liberties of some, as the only means to preserve the liberties of all. By former acts of parliament, the electors are already debarred from electing persons in certain considerable employments: and in the Act for preserving our Constitution, by settling the crown upon the present royal family, it was enacted, 'That no person whatsoever in employment should be capable of being chosen 'a member of the House of Commons.' Such was then the spirit of liberty, that even this total exclusion could not be refused; nor could the repeal of it afterwards be obtained, without enacting a limitation of the number of placemen allowed to sit in the House of Commons, and a new election of every person who, whilst he was a member of that House, should accept of any employment under the crown; as likewise a total (we wish we could say an effectual) exclusion of all persons holding employments erected since the passing of that act. And there is no reason to doubt, but that the same spirit of precaution would, upon the same constitutional principles, have been carried much farther at that time, could it then have been foreseen or imagined, that the exclusion of some civil officers would have been rendered useless, by the introduction of so many military ones; and so many persons in employments, infinitely inferior both in rank and profit to those excluded by these several acts, could ever have been by any means elected into parliament. And indeed it seems to us highly incongruous, that inferior clerks and attendants of offices, who have not seats in the presence of their masters, should be admitted to have seats in the legislature, and therefore become the check and controul of their masters themselves.

4. "Because we do not apprehend that the freedom of parliament is now in the least secured, by the obligation laid upon all members of the House of Commons, who accept any employment under the crown, of being re-elected; experience having shewn us, that this seeming security is for the most part become ineffectual, there being very few instances of persons failing in such re-elections, though utter strangers to their electors. And it is natural to suppose, that, when the means of corrupting are greater, the success of the candidate recommending himself by corruption only will not be less.

5. "Because we observe with concern, that a Bill of this nature has been already thrice rejected by this very House of Commons, and not been allowed to be committed, so as to have it known how far it was proposed to extend; which, in our opinions, implied a firm resolution not to admit of any further exclusion of employments whatsoever: whereas, in this last session of this parliament, this Bill was sent up to us, after having passed through all the forms of the other House without the least opposition. This we conceive can only proceed, either from their conviction at last of the necessity of such a bill, of which they are surely the properest judges; or, in compliance with the almost universal instructions of their constituents, whose voice, we think, ought to have some weight even here; or lastly, to delude their constituents themselves, by tacitly consenting to what they were either told, or hoped, this House would refuse. And, in this case, we apprehend, that a confidence so injurious and dishonourable, ought to have been disappointed, from a just sense of the contempt thereby shewn of the credit, weight, and dignity, of this House.

6. "Because we think it particularly seasonable, so near the end of this parliament, to provide for the freedom and independency of the next: and as we consider this opportunity as the only one we are likely to have, for some years at least, to do it; it is with the greater concern that we see this Bill thus laid aside, rather by a division than a debate, and by numbers rather than arguments. But, however unsuccessful our endeavours have been for the future security of this constitution; however unavailing our desire of enquiring into past and present transactions; however fruitless our attempts to prevent future mismanagements, by a censure of the past, and the removal of the author of them; we have at least this comfort of transmitting our names to posterity, as dissenting from those measures, of which the present age sufficiently testifies its dislike, and of which the next may too probably feel the fatal consequences. *(Signed)*

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Abingdon, Bridgwater, Haversham, Macclesfield, Greenwich, Hereford, Aylesford, Warrington, Bruce, R. Litch. and Coventry, Carlisle, Talbot, Gower, Ward, Mansel, Cobham, Chesterfield, Masham, Halifax, Denbigh. For all the above Reasons except the last, Foley."

Ordered, that the said Bill be rejected.

*Debate in the Commons on the Bill to prevent the Inconveniencies arising from the Insurance of Ships.**] February 27. A Bill to explain and amend so much of an Act, made in the 6th of king George 1, intituled, An Act for better securing certain powers and privileges, intended to be granted by his majesty, by two charters, for Assurance of Ships, and Merchandizes at sea; and for lending money upon Bottomry; and for restraining several extravagant and unwarrantable practices therein mentioned, as relates to the extravagant and unwarrantable practices therein mentioned, was read a second time, and gave rise to the following Debate:

Sir *John Barnard:*

Sir; there cannot be brought before this House any questions more difficult in themselves, more entangled with a multiplicity of relations, or more perplexed with an endless diversity of circumstances, than those which relate to commercial affairs; affairs on which the most experienced often disagree, and on which the most sagacious may deceive themselves with erroneous conjectures.

There are no questions, Sir, which require so much personal knowledge of the subject to which they relate, nor is there any subject with which so few gentlemen in this House have had opportunities of being acquainted. There are no questions, Sir, which their variety of relations to different persons exposes to be so easily misrepresented without detection, nor any in which the opposition of particular interests, so much incites a false representation. In all these cases, deceit is easy, and there is a strong temptation to deceive.

Nor are these questions, Sir, always perplexed by intentional fraud, or false assertions, of which they that utter them are themselves conscious.

Those who deceive us, do not always suppress any truth of which they are convinced, or set facts before us in any other light, than that in which themselves behold them; they for the most part err with an honest intention, and propagate no mistakes but those which they have themselves admitted.

Of this kind, Sir, are doubtless the measures proposed in the Bill before us, which those by whom they are promoted, may easily think to be of benefit to the public, but which, I believe, will appear the result of imperfect views, and partial consideration.

The great and fundamental error, Sir, of the patrons of this Bill, seems to be an opinion, that the practice of insuring is not known to other nations, nor can be carried on in any other place, and from this principle they deduce consequences, which, if they were inevitably certain, might easily influence us to an immediate approbation of the Bill, as necessary to secure our commerce, and distress our enemies.

They conclude, Sir, with sufficient justness, that very few merchants would hazard their fortunes in long voyages or distant commerce, or expose themselves to the dangers of war, without security, which insurances afford them, and having persuaded themselves that such security is to be obtained from no other nation, they imagine that we might, by prohibiting it, confine all the foreign vessels in their ports, and destroy by one resolution the trade of both our rivals and our enemies.

That our East-Indian company may desire the ratification of this Bill, I cannot deny, because they might perhaps receive from it some temporary advantage by the short inconveniencies which those whom they consider as the enemies of their commerce would feel from it. They may desire it, because the experiment, if it fails, as it must, cannot injure them: and if it succeeds, may produce great advantages to them; they may wish it, because they will feel the immediate benefit, and the detriment will fall upon others.

I shall not enquire whether our merchants are inclined to look with malevolence on all those who cultivate the same branches of commerce with themselves, though they have neither the violation of natural rights, nor the infringement of national treaties to complain of. I should be unwilling to suspect a British merchant, whose acquaintance with the constitution of his own country ought to shew him the value of liberty, who ought to be above narrow schemes, by the knowledge which his profession enables him to

* From the Gentleman's Magazine: compiled by Dr. Johnson.

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gain, of a desire to encroach upon the rights of others, or to engross the general benefits of nature, and shall only observe, that several other nations can plead a claim to the East-Indian trade, a claim of equal validity with our own. That the Danes have their settlements there, and that the parliament discovered the way to those regions of wealth, from which some perhaps are inclined to exclude them.

But nothing is more vain than to attempt to exclude them by refusing to ensure their ships, because the opinion that they can be insured by no other nation is entirely without foundation. There are, at this time, offices of insurance along the whole coast of the midland sea, among the Dutch, and even among the French. Nothing can debar any nation from the trade of insurance but the want of money, and that money is not wanted by foreigners, for this purpose, appears from the great sums which they have deposited in our funds.

That this trade is now carried on, chiefly by this nation, though not solely, is incontestible; but what can be inferred from that, but that we ought not to obstruct our own gain; that we ought not to make a law to deprive ourselves of that advantage, of which either favourable accidents or our own sagacity have put us in possession.

For this reason it appears, that it would not contribute to the wealth of the public to debar us from insuring the ships, even of those with whom we are at war, for it is always to be remembered that they will receive no detriment from such prohibitions, nor will feel any other consequence from them than a necessity of transferring to some other nation the profit which we receive from it.

What the profit is which arises to the nation from the trade of insurance, it is not possible exactly to determine; but that the trade is really advantageous may be reasonably conceived, because after many years experience it is diligently followed, and a law was never necessary to prohibit the pursuit of a business, by which nothing was to be gained. But could the gain of the insurer be a doubtful point, there is a certain advantage to the nation by the money paid for commission, brokerage, stamps, and the credit of the premium deposited here.

I might add, Sir, another considerable sum yearly arising from the additional letters, occasioned by this trade, which increase the revenues of the post office, without any deduction for additional charge.

That the loss of this profit, and the gain of insuring, will ensue upon the ratification of this Bill, cannot be denied; nor does it appear, that this loss will be counterbalanced by any advantages that will be gained over our rivals or our enemies.

Whether this Bill, Sir, would produce to the merchants of that city by which it is promoted, the advantages which they expect from it, or remove any of the grievances of which they complain, I am not able positively to determine; but know, that it is not uncommon for merchants, as well as other men, to confound private with public grievances, and to imagine their own interest the interest of the nation.

With regard, Sir, to the practice of insuring, 'interest or no interest,' as the term is, when an imaginary value is put upon the ship or cargo, often much above its real worth, it cannot be denied, that some opportunities may be given by it for wicked practices. But there will always be circumstances in which there can be no security against frauds, but common faith; nor do I see how we can secure the insurers against the possibility of being defrauded.

I cannot indeed discover, Sir, how this method of insuring can be prevented; for how can the value of a cargo be estimated, which is to be collected in a long voyage, at different ports, and where the success of the adventures often depends upon lucky accidents, which are indeed always hoped for, but seldom happen. An imaginary value must therefore be fixed upon, when the ship leaves the port; because the success of that voyage cannot be foreknown, and the contracting parties may be safely trusted to set that value, without any law to direct or restrain them.

If the merchants are oppressed by any peculiar inconveniences, and can find means of redressing them without injuring the public commerce, any proposal for that purpose ought to be favourably received; but as the Bill now before us proposes general restraints, and proposes to remove grievances, which are not felt, by remedies, which those, upon whom they are to operate, do not approve, I think it ought not to be referred to a committee, but rejected.

Mr. *Southwell:*

Sir; when I first proposed this Bill to the House, I lamented the absence of that hon. gentleman, from whose discussions

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and arguments I expected great information; and for whose judgment, in all commercial questions, I have the highest esteem, as his penetration not only enables him to discover the consequences of methods which have not yet been tried, but as his extensive acquaintance with many branches of trade, cannot but have informed him of the success of many expedients tried, as well in other nations as our own, for the advancement of it.

Trade, Sir, is a subject, of which it has been justly observed, that very few gentlemen have attained knowledge sufficient to qualify themselves to judge of the propriety of any new regulation; and I cannot but confess, that I have no uncommon skill in these questions. What I have to offer on this occasion, has been suggested to me, not so much by my own observations, as by the intelligence which I have very industriously sought, and by which, as I endeavoured to enquire of those whose opinion was least likely to be perverted by their interest, I hope I have not been misled.

The merchants, Sir, to whom it has been my fortune to apply, have generally concurred in the opinion that the present practice of insuring, is prejudicial to our commerce, nor have I found any disagreement between my constituents, and the traders of the great metropolis.

I am unwilling to imagine that there can be any evil, for which the wisdom of this assembly cannot discover a remedy, and am therefore of opinion, that if the grievance is real, some expedient may be discovered for removing it, and that it is real, I cannot but be convinced by the declarations of so many men, who can have no interest in complaining when they suffer nothing, and whose known abilities exempt them from the suspicion of imputing any part of their uneasiness to a cause which cannot produce it.

The Bill before us, Sir, requires, in my opinion, some Amendments, and in its present state, might, perhaps, produce more detriment than advantage, but since it is necessary, at least, to attempt something for the relief of men so useful to this nation, it appears to me necessary to form a committee, and to deliberate on this subject with more attention.

Mr. *Richard Lockwood:*

Sir; though I am not of opinion that the Bill in its present state ought to be passed into a law, yet I am far from thinking it so imperfect as not easily to be amended, and therefore am desirous that it should be considered in a committee.

I have not, indeed, Sir, often observed, that bills injudiciously drawn up at first, have received great improvements from a second consideration, and have found it more easy to form a new bill, than to make alteration in one that is laid before us; for some original error will commonly remain, and the sentiments of different men, pursuing different views, can seldom be moulded into one consistent scheme. But I am far from considering this Bill, as one of those that cannot be amended, for I can discover but few objections to the regulations proposed in it, and those not relating to any of the essential parts, but slight and circumstantial, such as will easily be removed, or perhaps answered.

The grievance, Sir, for which this Bill proposes a remedy is so generally known, and so universally lamented, that I believe, there is not any thing more worthy of the attention of the legislature than an enquiry into the cause of it, and the proper method of redressing it.

In our enquiry into the causes of this obstruction of trade, I am of opinion, Sir, that the practice of insuring, interest or no interest, will appear to be the foundation of this general uneasiness, will be found a practice of so natural a tendency to fraud, and so easily susceptible of dishonest artifices, that I believe, every member of this House will desire its suppression.

To confirm my assertion, Sir, and illustrate the question before us, I shall mention some particular instances of fraud to which this custom has given occasion, of fraud so evident and so detestable that it cannot be related without indignation.

The Royal George was a large ship belonging to the South Sea company, which having been a voyage to Vera Cruz, put in at Jamaica in her return; and being there refitted to proceed on her voyage homewards, set sail, and came within a week's sailing of the port, when, upon a sudden, the officers entered into a consultation, and determined to go back a month's voyage to Antigua, for what reason, Sir, may be easily guessed; when it was told that the ship was insured upon a supposed value of 60,000*l.*

This resolution, Sir, was no sooner formed, than orders were given to change the course and steer to Antigua, in opposition to all the remonstrances of the carpenter, who is the proper judge of the

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condition of a vessel, and who declared with honesty and resolution against their whole procedure. But they pursued their new scheme without any regard to his murmurs or assertions; and, when they arrived at Antigua, found some method of influencing the officers of that island to declare the ship unfit for the prosecution of the voyage.

Their design, Sir, was now happily completed. To confirm the determination which had been pronounced in their favour, they stranded the ship upon a bank of sand, forced out the iron that grapples the timber together, and having first taken away the masts and rigging, and whatever else could be used or sold, threw the ballast to each end, and so broke the vessel in the middle.

By this well-contrived shipwreck, having as they imagined raised their fortunes, they came home triumphantly from their prosperous voyage, and claimed the money for which the ship was insured. The insurers, startled at such a demand so unexpected, enquired into the affair with all the industry which its importance might naturally incite, and, after some consultation, determined to try whether the ship might not be refitted and brought to England.

In pursuance of this resolution, they sent workmen and materials, and without much expence, or any difficulty, brought it hither.

I believe, Sir, this relation is sufficient at once, to prove the practice and explain the nature of the frauds to which this method of insurance gives occasion; but as the frequency of them is such, that many instances may be produced, I shall offer another short narrative of the same kind.

A ship that belonged to the East India company, insured after this method, was run ashore by the captain in such a manner that he imagined none but himself able to recover it; and therefore, though it cost 5,000*l.* sold it for 500*l.*; but the purchaser, no less expert than the captain, found means very speedily to disengage it, to restore it to a proper condition with little expence, and was much enriched by his fortunate bargain.

I cannot but observe, Sir, that this kind of fraud is the more formidable, as it may be practised without a possibility of detection; had the captain, instead of stranding, destroyed his vessel, how could his wickedness ever have been discovered? Or how could the South Sea company's ship have been brought home, had it been sunk in some distant corner of the world?

This practice, Sir, and the frauds which it has occasioned, and the suspicions which the easy practice of frauds always creates, have produced so many trials, and filled the courts of justice with such intricate contentions, that the judges, who know perhaps nothing of this practice but from its effects, have often declared it to be so pregnant with contests and cheats, that it ought not to be suffered, and that a law for suppressing it, would much contribute to the establishment of peace, and the security of property.

I am not insensible, Sir, of the force of the argument made use of by the hon. gentleman who spoke in favour of this practice, and cannot but allow it that regard which his reasonings always deserve; it is the strongest, and perhaps the only argument, that can be produced. His assertion of the impossibility of estimating the real value of a ship, or of foreknowing the success of a voyage, is incontestible: but perhaps it will follow from thence, not that an imaginary value ought to be admitted, but that no insurance ought to be allowed, where there is no rational method of ascertaining it; or at least, that all such insurance ought to be rather below the probable value than above it.

If the grievance complained of, has been proved not to be imaginary, we ought doubtless to consult how it may be remedied; nor do I believe that our consultations will be ineffectual, if we engage in them, not with an intention to perplex, but to inform each other. I am of opinion, Sir, that the importance of the question requires a committee; nor can I discover any essential defect in the Bill, which should hinder it from passing into a law.

Mr. *Burrell:*

Sir; I am convinced by experience, as well as reason, that so many inconveniences arise from this method of insurance, that it affords so many opportunities of fraud, and gives such encouragement to negligence, that I shall willingly concur in any measures that may effectually suppress it.

It is, Sir, too well known to require proof, that interest is the parent of diligence, and that men attend to the performance of their duty, in proportion as they must suffer by the neglect of it; therefore, every practice that deprives honesty of its reward is injurious to the public.

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But that this is the consequence of estimating ships at an imaginary value in the offices of insurance, is to the highest degree evident. When a ship is estimated above its real value, how will the commander suffer by a wreck, or what shall restrain him from destroying his vessel, when it may be done with security to himself, except that integrity, which indeed ought to be generally diffused, but which is not always to be found, and to which few men think it safe to trust upon occasions of far less importance?

To shew, Sir, that I do not indulge groundless suspicions, or magnify the bare possibility of fraud into reality; that I do not blacken human nature, or propose laws against wickedness that have not yet existed, it may be proper to mention some letters, in which I have been informed by my correspondent at Leghorn, of the state of the ships which have arrived there: ships so weakly manned, and so penuriously, or negligently stored; so much decayed in the bottoms, and so ill fitted with rigging, that he declares his astonishment at their arrival.

It may deserve our consideration, Sir, whether the success of the Spanish privateers may not be in great part attributed to this pernicious practice; whether captains, when their vessels are insured for more than their value, do not rashly venture into known danger? Whether they do not wilfully miss the security of convoys? Whether they do not direct their courses where privateers may most securely cruize? Whether they do not surrender with less resistance than interest would excite? And whether they do not raise clamours against the government for their ill success, to avoid the suspicion of negligence or fraud.

That other frauds are committed in the practice of insuring, is well known to the hon. gentleman who spoke against the Bill: it is a common practice to take money upon bottomry, by way of pledge for the captain's fidelity, and to destroy this security by insuring the real value, so that the captain may gain by neglecting the care of his vessel, or at least secure himself from loss, and indulge his ease or his pleasure, without any interruption from the fear of diminishing his fortune.

The whole practice of insurance, Sir, is in its present state, I believe, so perplexed with frauds, and of such manifest tendency to the obstruction of commerce, that it absolutely requires some legal regulations.

Sir *John Barnard*:

Sir; of frauds in the practice of insurance, with regard to which the hon. gentleman has appealed to me, I can confidently affirm, that I am totally ignorant: I know not of any fraudulent practices openly carried on, or established by custom, which I suppose are meant: for with regard to single acts of fraud, committed by particular men, it is not to be supposed but that they have been detected in this, as in all other branches of traffic; nor can I conceive that any argument can be drawn from them against the practice; for if every part of commerce is to be prohibited, which has furnished villains with opportunities of deceit, we shall contract trade into a narrow compass.

With regard, Sir, to the instance of the Royal George, though the proceedings of the officers are not wholly to be vindicated, yet part of their conduct is less inexplicable than it has been represented. Their return to Antigua when they were bound for England, and were within a week's sailing of their port, is easily to be defended, if the wind was contrary to their intended course; for it is not difficult to conceive that they might reach a distant port with a favourable wind, much sooner than one much nearer, with the wind against them.

I have always observed, Sir, that the gentlemen engaged in the trade to the East Indies, assume an air of superiority, to which I know not what claim they can produce, and seem to imagine, that their charter gives them more extensive knowledge, and more acute sagacity, than falls to the lot of men not combined in their association.

But however these gentlemen may disapprove my arguments, and however they may misrepresent them, I shall be satisfied, that they will have with the disinterested and impartial their just weight, and that this affair will not be hastily determined upon an imperfect examination.

Sir *Robert Walpole*:

Sir; whether the merchants are satisfied with the present methods of insuring, or what is the opinion of any separate body of men, I think it absolutely unnecessary to enquire. We are constituted for the public advantage, and are engaged by our parliamentary character to consider, not the private interest of particular men, but the general advantage of our country.

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In our pursuit, Sir, of national interest, we should be obliged frequently to oppose the schemes which private men, or separate fraternities have formed for their own advantage, and which they may be expected to defend with all their art; both because every man is unwilling to imagine that the public interest and his own are opposite, and because it is to be feared that many may consider the public only in subordination to themselves, and be very little solicitous about the general prosperity of their country, provided none of the calamities which afflict it extend their influence to themselves.

We are, in the discussion of this question, Sir, to consider that we are engaged in a war against a nation from which insults, depredations, oppressions, and cruelties, have been long complained of, and against which we are therefore to act with a resolution proportioned to the injuries we have suffered, and to our desire of vengeance. We are to practise every method of distressing them, and to promote the success of our arms even at the expence of present gain and the interest of private men.

It is well known, Sir, to all who have either heard or read of the Spaniards, that they live in carelessness and indolence, neglect all the natural advantages of their own country, despise the gain of foreign commerce, and depend wholly on their American settlements, for all the conveniencies, and perhaps for most of the necessaries of life.

This is the particular circumstance that makes a war with England so much to be dreaded by them. A nation superior to them by sea holds them besieged, like a garrison surrounded by an army, precludes them from supplies, intercepts their succours, and if it cannot force their walls by attack, can at least by a blockade starve them to a capitulation.

Thus, Sir, by a naval war with an enemy of superior strength, they must at length be subdued, and subdued perhaps without a battle, and without the possibility of resistance: against such an enemy, their courage, or their discipline is of no use; they may form armies indeed, but which can only stand upon the shore, to defend what their enemies have no intention of invading, and see those ships seized in which their pay is treasured, or their provisions are stored.

Such, Sir, is our natural superiority over the Spaniards, a species of superiority that must inevitably prevail, if it be not defeated by our own folly; and surely a more effectual method of defeating it, the Spaniards themselves could not have discovered, than that of insuring their ships among our merchants.

When a ship thus insured is taken, which, notwithstanding all precautions must sometimes happen, we examine the cargo, find it extremely valuable, and triumph in our success; we not only count the gain to ourselves, but the loss to our enemies, and determine that a small number of such captures will reduce them to offer us peace upon our own terms.

Such are the conclusions which are made, and made with reason, by men unacquainted with the secret practices of our merchants, and who do not suspect us to be stupid enough to secure our enemies against ourselves, but it is often found, upon a more close examination, that our ships of war have only plundered our merchants, and that our privateers may indeed have enriched themselves, but impoverished their country. It is discovered, that the loss of the Spaniards is to be repaid, and perhaps sometimes with interest, by the British insurers.

If it be urged, that we ought not to enact any laws which may obstruct the gain of our fellow subjects, may it not be asked, why all trade with Spain is prohibited, may not the trade be equally gainful with the insurance, and may not the gain be more generally distributed, and therefore be more properly national?

But this trade was prohibited, because it was more necessary to our enemies, than ourselves; it was prohibited, because the laws of war require, that a less evil should be suffered to inflict a greater: it is upon this principle that every battle is fought, and that we fire our own ships to consume the navies of the enemy.

For this reason, Sir, it appears to me evident beyond contradiction, that the insurance of Spanish ships ought to be prohibited; we shall indeed lose the profit of the insurance, but we shall be re-imbursed by the captures, which is an argument that cannot be produced for the prohibition of commerce.

It is urged, Sir, that they may insure their ships in other countries, an assertion of which, whether it be true or not, I am not able to decide; but it is acknowledged, that the necessity of establishing a new correspondence will be at least a temporary obstruction of their trade, and an



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obstruction of even a short continuance may lay them at our mercy.

But let us, Sir, reflect upon the weakness of this argument; 'they must be allowed to insure here, because they may 'insure in other places;' will it not be equally just to urge, that 'they must trade 'with us, because they may trade with 'other nations?' And may it not be answered, that though we cannot wholly suspend their commerce, it is yet our business to obstruct it as far as we are able?

May it not, Sir, be farther affirmed, that by insuring in other nations, they may injure their allies by falling into our hands, but do not the less benefit us? That if they do not grow weaker, we at least are strengthened; but that by insuring among us, whatever steps are taken, the equilibrium of the war is preserved always the same.

It is asserted, and I suppose with truth, that we insure at a lower rate than others, and it will therefore follow, that the Spaniards, whenever their ships should escape us, will suffer more by having insured amongst foreigners, than if they had contracted with our merchants.

Thus it appears, Sir, that there are stronger reasons for prohibiting the insurance of Spanish ships, than for putting a stop to our commerce with them; and that whether their ships are taken by us, or escape us, it is the general interest of the nation, that they shall be insured by foreign merchants.

With respect, Sir, to the East India company, I have no regard to their interest, considered as distinct from that of the rest of the nation; nor have received any solicitations from them to promote this Bill, or to espouse their interest; but cannot, without concealing my real sentiments, deny that, as they have the grant of an exclusive trade to the East Indies, to insure the ships that are sent thither, without their permission, is to invade their rights, and to infringe their charter; and that this practice, if the validity of their charter be admitted, is illegal and ought to be discountenanced.

The practice, Sir, of insuring, 'interest 'or no interest,' or of assigning to ships an imaginary value, is nothing more than a particular game, a more solemn species of hazard, and ought therefore to be prohibited, for every reason that can be urged against games of chance.

With regard to this Bill in general, it is in my opinion highly necessary, nor can I discover any important objection that can be made against it. Some law of this kind, and to this purpose, I have long intended to offer to the consideration of this assembly, and since it is now before us, I think we ought to consider it with the attention, which may be justly expected from us.

Lord *Baltimore:*

Sir; I know not how properly the practice of insuring may be termed a species of hazard: nor do I think any thing more is to be considered, than whether the game be gainful to the nation, or not; for I cannot discover that there is any absurdity in enriching ourselves at the expence of other nations, whether enemies or allies. That we ought to prefer the general good to the advantage of individuals, is undoubted; but I cannot conceive that, in this case, there can be any opposition between private and public interest. If our insurers gain by securing the ships of our enemies, the nation is benefited, for all national gain must circulate through the hands of individuals.

No man will assert that we ought to assist our enemies, nor will any man imagine that we assist them by impoverishing them; and if our insurers gain by their practice, the Spaniards must undoubtedly be losers.

Mr. *Willimot:*

Sir; I have conversed on the question to which this Bill relates, with men engaged in various kinds of traffic, and who have no common interest but that of their country. I have dispersed among the merchants, most eminent for their acquaintance with the whole extent of commerce, and for their knowledge of the true interest of the nation, copies of this Bill, and cannot find any of them so sensible of the grievances, of which we have so loud complaints, as to desire that it should be redressed by the measures now proposed.

That frauds are practised on every side, in this, as well as in other trades, the general corruption of our age gives us sufficient reason to suspect; but what is common to every sort of traffic, cannot be produced as an argument for the prohibition of any.

That the practice of insuring an imaginary value, may give opportunity for greater frauds than can be practised in common dealings, is likewise evident, but I cannot discover such frauds as to require the interposition of the legislature.

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If they are practised only by those of our own nation, the public does not suffer; for property is only transferred from one subject to another; the fraud ought indeed to be severely punished in the courts of criminal justice, but the custom which gave the opportunity of practising it, ought not to be restrained, any more than any other profession not criminal in itself, but liable to accidental abuses.

If our insurers are defrauded by foreigners, the nation is then, indeed, more nearly affected; but, even in that case, it is to be remembered, that the private interest of the insurers, who must be immediately ruined, is a sufficient security for the public. For it cannot, Sir, be conceived that any man will obstinately carry on a business, by which he becomes every day poorer; or that, when he desists, he will be succeeded by another, who cannot but know that he engages in that traffic to his certain ruin.

The true state of this affair is, that frauds are, indeed, often committed, and are for that reason always suspected, and that the insurers, when they insure the ship and cargo against accidents, reckon, among other chances, the probability of being cheated, and proportion their demands, not only to the length and danger of the voyage, but to the character likewise of the man with whom they contract.

This, Sir, is always the practice of those whom experience has made acquainted with the danger of implicit confidence, and unsuspecting credulity, nor do any but the young and unskilful suffer themselves to be so exposed to frauds, as that their fortunes should be injured, or the general gain of their business over-balanced, by a few deceits.

Thus it appears, that, notwithstanding the ease and safety with which the present methods of insurance admit fraud to be practised, the insurers, by a proportionate degree of caution, secure themselves from being injured, and by consequence the nation.

The insurance of foreign ships is now to be considered, by which great profit arises to the nation. We insure, Sir, as it has been observed, at lower rates than other nations, because we have more business of this kind, and the smallness of our profit is compensated by the frequency; the cheapness of insurances, and eagerness of foreigners to insure here, reciprocally contribute to each other; we are often applied to, because we insure at an easy rate, and we can insure at an easy rate, because we are often applied to.

Nor is the cheapness of British insurance, the only motive to the preference which it preserves among foreigners, who are induced to apply to this nation, by the reputation which our merchants have deservedly gained, for probity and punctuality, superior to that of any other traders. Our merchants, Sir, bargain without artifice, pay without subterfuges, and are ready on all occasions to preserve their character at the hazard of their profit.

From these two considerations we may draw unanswerable arguments against any restraints upon the practice of insuring; if foreigners are once disappointed in their applications to us, our business will in a great part cease; and, as we shall not then be able to insure at lower rates than other nations, we shall never recover that branch of our trade. And as the character of the English merchants exempts them from any suspicion of practices pernicious to the public, why should they be restrained? Why, Sir, should they appear to be suspected by the legislature of their own country, whom foreigners trust without hesitation?

It has been objected to them with great warmth, and urged with much rhetorical exaggeration, that they assist the enemies of their country, that they prolong the war, and defeat those advantages which our situation and commerce have given us. Imputations sufficiently atrocious, if they were founded upon truth.

But let us, Sir, examine the arguments by which this accusation has been supported, and enquire whether this triumph of eloquence has been occasioned by any real superiority of evidence or reason. It is urged, that we have already prohibited commerce with the Spaniards, and that therefore we ought likewise to prohibit the insurance of their ships.

It will not require, Sir, an imagination very fertile, or a knowledge very extensive, to supply arguments sufficient to refute this supposed demonstration; in opposition to which it may be urged, that this kind of commerce is of a peculiar nature, that it subsists upon opinion, and is preserved by the reputation of our insurers; a reputation that the insurers of other nations may obtain by the same means, and from whom we shall therefore never recover it.

It may be observed, Sir, that other commodities are the peculiar product of dif-

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ferent countries, and that there is no danger of losing our other trade by suspending it, because it depends upon the excellence of our manufactures; but that insurance may be the commodity of any country where money and common honesty are to be found.

This argument may perhaps be yet more effectually invalidated, or perhaps entirely subverted, by denying the expedience of that prohibition which is produced as a precedent, for another restraint. Nor indeed does it appear why we should preclude ourselves from a gainful trade, because the money is drawn by it out of the hands of our enemies; or why the product of our lands should lie unconsumed, or our manufactures stand unemployed, rather than we should sell to our enemies what they will purchase at another place, or by the intervention of a neutral power.

To sell to an enemy that which may enable him to injure us, that which he must necessarily obtain, and which he could buy from no other, would indeed be, to the last degree, absurd; but that may surely be sold them without any breach of morality or policy, which they can want with less inconvenience than we can keep. If we were besieging a town, I should not advise our soldiers to sell to the inhabitants ammunition or provisions, but cannot discover the folly of admitting them to purchase ornaments for their houses, or brocades for their ladies.

But, without examining with the utmost accuracy, whether the late prohibition was rational or not, I have, I hope, suggested objections sufficient to make the question doubtful, and to incline us to try the success of one experiment before we venture upon another more hazardous.

I am never willing, Sir, to load trade with restraints; trade is in its own nature so fugitive and variable, that no constant course can be prescribed to it; and those regulations which were proper when they were made, may in a few months become difficulties and obstructions. We well know, that many of the measures which our ancestors pursued for the encouragement of commerce, have been found of pernicious consequence; and even in this age, which perhaps experience more than wisdom has enlightened, I have known few attempts of that kind which have not defeated the end for which they were made.

It is more prudent to leave the merchants at liberty to pursue those measures which experience shall dictate upon every occasion, and suffer them to snatch the present opportunity of honest gain whenever it shall happen; they will never injure their own interest by the use of this liberty, and by preserving themselves they will preserve the nation from detriment; nor will they need to be restrained by a law proposed without their solicitation, and of which they cannot discover any beneficial consequences.

Mr. *Horatio Walpole:*

Sir: for the Bill now before us I have no particular fondness, nor desire that it should be promoted by any other means than rational arguments and the representation of indubitable facts.

I have no regard, Sir, in this enquiry, to any private interest, or any other desire than that of securing the interest of my country, which, in my opinion, evidently requires that we should give no assistance to our enemies, that our merchants should co-operate with our navies, and that we should endeavour to withhold every thing that may make the war less burdensome to them, and consequently of longer continuance.

It was observed, Sir, in the beginning of the debate, by a gentleman eminently skilled in mercantile affairs, that insurance was practised by many nations; but he did not inform us of what one of the clauses makes it proper to enquire, whether they allowed the method of insuring interest or no interest, and rating ships at an imaginable value. This is, I know, prohibited by the Dutch; a nation whose authority on commercial questions will not be disputed; nor do they allow their East India ships to be insured at all.

The difficulty of estimating the value of any cargo has been urged in defence of this practice, nor is the defence wholly without weight, because the cargo in many voyages cannot be ascertained. I shall, however, take this opportunity of observing, though I may somewhat digress from the present argument, how necessary it is that some of our exported cargoes should be exactly specified.

I have been lately informed, Sir, that six ships laden with British wool, have entered at one time into a port of France; nor do I know how this practice, which is justly complained of as pernicious to our trade, and threatening the ruin of our country, can be prevented but by a constant and regular particularization of every cargo carried to France.

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I admit, Sir, that some cargoes which are imported cannot be particularly registered; such is the gold with which we are daily supplied by our commerce with the French in opposition to their laws, and which our merchants are therefore under the necessity of concealing.

It is not indeed easy to foresee all the inconveniences that may arise from new regulations of commerce; but the difficulty is not so great as has been represented, nor can I conceive why all our consultations on trade should be without effect. Gentlemen may obtain some knowledge of commerce from their own observation, which they may enlarge by an unconfined and indifferent conversation with traders of various classes, and by enquiries into the different branches of commerce; enquiries, Sir, which are generally neglected by those whose employments confine their attention to particular parts of commerce, or whose application to business hinders them from attending to any opinions but those which their own personal experience enables them to form.

From these informations impartially collected, and diligently compared, a man not engaged in the profession of a merchant may form general principles, and draw consequences more certain, and more extensive in their relations, than those which are struck out only from the observation of one subdivided species of commerce.

A member of this House, Sir, thus enlightened by enquiry, and whose judgment is not diverted from its natural rectitude, by the impulse of any private consideration, may judge of any commercial debate with less danger of error or partiality than the merchants, of whom nevertheless I have the highest esteem, and whose knowledge or probity I do not intend to depreciate, when I declare my fears, that they may sometimes confound general maxims of trade with the opinion of particular branches, and sometimes mistake their own gain for the interest of the public.

The interest of the merchants ought indeed always to be considered in this House; but then it ought to be regarded only in subordination to that of the whole community, a subordination which the gentleman who spoke last seems to have forgotten. He may perhaps not intend long to retain his parliamentary character, and therefore delivered his opinion only as a merchant.

He has distinguished between the conduct of experienced and unskilful insurers, with how much justice I shall not determine. I am afraid that a vigorous enquiry would discover, that neither age nor youth has been able to resist strong temptations to some practices, which neither law nor justice can support, and that those whose experience has made them cautious, have not been always equally honest.

But this is a subject upon which I am not inclined to dwell, and only mention as the reason which convinces me of the propriety of the Bill before us.

Sir *William Yonge:*

Sir; there appears no probability that the different opinions which have been formed of this Bill will be reconciled by this debate; nor indeed is there any reason for wondering at this contrariety of sentiments.

The several clauses of the Bill have relations and consequences so different, that scarce any one man can approve them all; and in our present deliberation an objection to a particular clause is considered as an argument against the whole Bill.

It is therefore necessary to prevent an unprofitable expence of time, to resolve the House into a committee, in which the Bill may be considered by single clauses, and that part which cannot be defended may be rejected, and that only retained which deserves our approbation. In the committee, when we have considered the first clause, and heard the objections against it, we may mend it; or, if it cannot be amended, reject or postpone it, and so proceed through the whole Bill with much greater expedition, and at the same time with a more diligent view of every clause, than while we are obliged to take the whole at once into our consideration.

I shall for my part approve some clauses, and make objections to others; but think it proper to reserve my objections, and the reasons of my approbation, for the committee into which we ought to go on this occasion.

The Bill was referred to a Committee on the 6th of April, but not 40 members staying in the House, it was dropped.

*Debate in the Commons on the Seamens' Bill.**] On the 27th of January, a mo-

* "A very hot contest arose from a Bill which the ministry brought in under the specious title of, 'A Bill for the Encouragement

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tion being made, That the Bill for the Encouragement and Increase of Seamen, and for the better and speedier manning his majesty's fleet, be read a second time, it occasioned the following Debate.†

Mr. *Gybbon:*

Sir; I have been always taught that the distinguishing felicity of this nation is general liberty, liberty not confined to the highest classes of men, but diffused through the whole body of the people: for the preservation of this, our ancestors have struggled in every age; and for this only are the present burden of taxes borne without sedition, and almost without complaint. While we preserve, or fancy that we preserve, our liberty, we look without envy on the power, the wealth, and prosperity of the slaves of arbitrary monarchs. We account no man prosperous whose happiness does not depend upon his own conduct, and should think it folly to heap wealth together, which might be taken away without our consent. For fear of losing this great privilege, we have endeavoured, at an immense expence, to prevent the enormous increase of any foreign power, by which we might in time be swallowed up, and reduced to the same state with the provinces on the continent. To this end we raise armies and build fleets, and pour into the public treasury the produce of our lands, and the gain of our commerce. But to what purpose are our labours, our dangers, and our expences to obviate the designs of foreign ambition, if we suffer slavery to steal upon us in the form of law, and impair our liberties by the means employed to defend them.

If the only use of armies and fleets be to secure freedom and independency, nothing surely can be more absurd than to raise them by methods of oppression and violence; nothing can be weaker than to send men to fight for that liberty, of which we have deprived them.

That the Bill now before us reduces multitudes of our fellow subjects to the miseries of slavery, to the malice of private, lurking informers, and the hateful insults of petty authority, must appear to every man that hears it. It condemns those who have dedicated their lives to the most useful employment, and wasted their strength in the most important service of their country, to be hunted like beasts of prey, or like murderers and felons, whom it is the common interest of mankind to search out and to destroy.

Let any man, Sir, once be called a seaman, let any man once become the object of public resentment, by having contributed to the wealth and honour of his country, and at last, from weariness of labour, satiety of profit, or fear of oppression incline to spend the rest of his life in peace, the hue and cry shall be raised against him, stratagems shall be contrived to entrap, or violence employed to constrain him; he shall be pursued by the officers of justice, his friends shall be obliged to betray him, and the house broke open at midnight that shall afford him shelter.

If this be the condition to which any man is exposed by the laws of Britain, he may surely be dispensed from hazarding his life in their defence; for what alteration can be made in them, by which his condition will become worse?

If any particular body of men be marked out by the legislature for hardships like these, will not every one that can chuse

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and increase of Seamen, and for the better and speedier manning his majesty's fleet.' This was a revival of the oppressive scheme which had been rejected in the former session; a scheme by which the justices of the peace were empowered to issue warrants to constables and headboroughs, to search by day or night for such sea-faring men as should conceal themselves within their respective jurisdictions. These searchers were vested with authority to force open doors, in case of resistance; and encouraged to this violence by a reward for every seaman they should discover; while the unhappy wretches so discovered were dragged into the service, and their names entered into a register to be kept at the navy or the admiralty-office. Such a plan of tyranny did not pass uncensured. Every exceptionable clause produced a warm debate, in which sir John Barnard, Mr. Pulteney, Mr. Sandys, lord Gage, Mr. Pitt, and Mr. Lyttelton, signalized themselves nobly in defending the liberties of their fellow-subjects. Petitions were presented from the city of London, and county of Gloucester, against the Bill, as detrimental to the trade and navigation of the kingdom, by discouraging rather than encoutaging sailors, and destructive to the liberties of the subject: but they were both rejected as insults upon the House of Commons. After very long debates, maintained on both sides with extraordinary ardour and emotion, the severe clauses were dropped and the Bill passed with amendments." Smollett.

† This day's debate on the Seamens' Bill, is from the Gentleman's Magazine: compiled by Dr. Johnson; but omitted in the Collection of the Doctor's Debates published in two volumes.

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his employment, list himself in some other class? And every man who has been already so unhappy as to have engaged himself in this profession, seek for better treatment in a foreign land?

There are indeed, Sir, some inconveniences arising from this Bill, which will not be confined to the seamen; the power granted to officers to search a suspected, that is, any house which they shall be pleased to mark out, may affect every man who has been so imprudent as to offend the constable of his parish, as he may revenge the injury by a declaration of suspicion, and consequently by a nocturnal visit at the head of his assistants.

Nor is this, Sir, the most offensive part of this Bill; one clause of it tends to weaken the most sacred ties of society, to make not only friendly offices, but filial and conjugal tenderness punishable by law.

The penal clause, by which every one is forbidden to conceal a seaman without exception of particular reason or relation, is, in my opinion, Sir, the utmost stretch of tyranny. Let us dwell a while upon it, and suppose a son condemned as a criminal for sheltering his father; let us suppose a wife dragged through the insolence of a crowd, and called with all the infamy of a prostitute, to receive sentence of punishment for refusing to betray her husband. To think on such scenes as these, excites indignation; and for my part I shall oppose any bill of this kind, lest the execution of it should fire the nation to rebellion.

Mr. *Horatio Walpole:*

Sir; if any severities are proposed by this Bill, or any methods of terror or violence prescribed, it must be confessed that they can be justified by nothing but necessity, and I hope those who shall speak in their vindication, are not less affected by the sense of them, though they are more convinced how much the present state of our affairs requires such methods than those that oppose them.

How much the power of this nation consists in our fleets, and how useless fleets are without seamen, I am not to prove. Nor is it, Sir, much less apparent, that seamen are not to be procured by the common methods, in numbers sufficient for our present armaments, and that therefore some others must be speedily contrived.

It will be vain, Sir, to expect, that a little time will reconcile them to the service, and that our ships will soon be manned with volunteers; for the fleets have taken away such numbers, that there remain, perhaps, not more than five thousand in Britain; who, though they should assemble at the call of our commanders, would be able to supply no formidable navy.

And that a navy of uncommon strength is necessary for the honour and support of Great Britain on this occasion, no man can doubt; when he has been informed of what I have received from undoubted intelligence, that a neighbouring power, equally to be dreaded for its ambition and its strength, is now equipping 20 ships of the line, for which no apparent reason can be given, nor any more probable, than that they are designed to interrupt the prosecution of the war. Such dangers might vindicate us in the use of violent and compulsive methods of raising forces, but none are in reality intended or proposed, more severe than those which were prescribed by an act passed in the fourth of queen Anne, at a time when the counsels of the nation were directed by men whom we cannot easily suspect of an intention to injure liberty.

That the condition of seamen will by this act be made less independent than that of others, and the methods of manning the fleet have a more oppressive and arbitrary form than those by which the land service is supplied, is not to be denied; but let it be remembered, Sir, that those inconveniences are balanced by the rewards proposed, by the liberal provisions made for those whom the chance of war shall disable from supporting themselves, and the ease and plenty to which they are entitled, who shall grow old in the sea-service.

Mr. *Campbell:*

Sir; I know not the import of the term slavery, if it means any state different from that with which seamen are threatened by the Bill before us. If to lose the power of choice, be to fall into slavery, every seaman, from the instant this Bill passes, becomes a slave; for he will not only be excluded from the choice of his course of life, which yet every freeman must necessarily enjoy, but from the power of determining what master he will serve.

A sailor, Sir, after having perhaps willingly entered himself, is either frighted away by the oppression of his officers, or allured into the service of merchants by prospect of advantage; but notwithstanding his apprehensions on the one side, and his

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hopes on the other, he is to be seized by violence, and condemned without a crime to that condition which he dreads and abhors.

Nor is he only deprived of that tranquillity and content which every man proposes as the end of his labours, by the dread of oppression, or of the penalties incurred by endeavouring to escape it, but is debarred from the assistance of his relations, and the kind offices of his friends; he is stripped at once of every thing that makes life valuable. He is dragged to tyranny and hardships, he is punished for endeavouring to avoid them, and involves in the same misery with himself, any friend whom charity or gratitude shall prompt to protect him.

To infer from the scarcity of seamen, that such severities are necessary, is to consult nothing but that lust of dominion by which men are often incited to use violent measures, lest they should seem to make too great concessions by softness and moderation. The scarcity of seamen, if such there be, must be imputed to the hardships to which they are now exposed, and it seems not very likely, when less injuries have diminished their numbers, that greater will increase them.

Sir, men have been long discouraged from entering into the ships of war, by every method that could be made use of to disgust and offend them: oppressions and exactions have been too frequent among the officers; mock expeditions have raised their expectations only to deceive them, and sudden discharges at places remote from opportunities of employment, have plunged them into distress, and reduced them to beggary. Surely when men have been thus treated, it is no crime to decline a submission to cruelty, nor ought they to be punished for that detestation of the service which is produced only by the conduct of others.

Mr. *Clutterbuck:*

Sir; as the question is not at present whether the Bill shall pass, or whether it shall be read a second time, I think any disquisitions upon the methods proposed in it unreasonable and superfluous, and shall therefore not at present either offer or answer objections. But if there be what no gentleman has denied, a necessity of finding out some method of manning the fleet, I conceive that every scheme for that end deserves to be considered; for by considering and even rejecting bad measures, we approach nearer to the discovery of good ones.

On such occasions as this, Sir, the most expeditious method of proceeding is undoubtedly the best; and as it is less tedious to amend an imperfect Bill than to draw up a new one, it will be right to consider this in the regular way; we may then reject such clauses as cannot be approved, and substitute others which shall be suggested, less liable to objections.

The Bill was ordered to be read the second time, and to be printed.

March 2.* The House went into a grand Committee on the said Bill. The first Clause being read, proposing the blanks to be filled thus: That every volunteer seaman, after five years service be entitled to 6*l.* per year, during life,

Sir *John Barnard* rose and said:

Sir; as it is our duty to provide laws, by which all frauds and oppressions may be punished, when they are detected, we are no less obliged to obviate such practices as shall make punishments necessary; nor are we only to facilitate the detection, but take away, as far as it is possible, the opportunities of guilt. It is to no purpose punishments are threatened, if they can be evaded, or that rewards are offered, if they may by any mean artifices be withheld.

For this reason, Sir, I think it necessary to observe, that the intent of this clause, the most favourable and alluring clause in the Bill, may lose its effect by a practice not uncommon, by which any man, however inclined to serve his country, may be defrauded of the right of a volunteer.

Many men have voluntarily applied to the officers of ships of war, and after having been rejected by them as unfit for the service, have been dragged on board within a few days, perhaps within a few hours afterwards, to undergo all the hardships, without the merit of volunteers.

When any man, Sir, has been rejected by the sea-officers, he ought to have a certificate given him, which shall be an exemption from an impress, that, if any other commander shall judge more favourably of his qualifications, he may always have the privilege of a volunteer, and be entitled to the reward which he deserved, by his readiness to enter the service.

* From the Gentleman's Magazine: compiled by Dr. Johnson.



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If such provisions are not made, this hateful practice, a practice, Sir, common and notorious, and very discouraging to such as would enter the service of the public, may so far prevail, that no man shall be able to denominate himself a volunteer, or claim the reward proposed by the Bill.

Sir *Charles Wager*:

Sir; it is not common for men to receive injuries without applying for redress, when it may certainly be obtained. If any proceedings like those which are now complained of, had been mentioned at the board of admiralty, they had been immediately censured and redressed; but as no such accusations were offered, I think it may probably be concluded, that no such crimes have been committed.

For what purpose oppressions of this kind should be practised, it is not easy to conceive; for the officers are not at all rewarded for impressing sailors. As therefore it is not probable that any man acts wickedly or cruelly without temptation; as I have never heard any such injury complained of by those that suffered it, I cannot but imagine, that it is one of those reports, which arise from mistake, or are forged by malice, to injure the officers, and obstruct the service.

Lord *Baltimore*:

Sir; that the practice now complained of, is very frequent, and, whatever may be the temptation to it, such as every day produces some instances of, I have reasons for asserting with great confidence. I have, within these few days, as I was accidentally upon the river, informed myself of two watermen ignominiously dragged by force into the service to which they had voluntarily offered themselves a few days before. The reasons of such oppression, it is the business of those gentlemen to enquire, whom his majesty entrusts with the care of his fleet; but to interrupt the course of wickedness, to hinder it from frustrating the rewards offered by the public, is the province of the representatives of the people. And I hope, Sir, some proviso will be made in this case.

Sir *John Norris*:

Sir; if any such practices had been frequent, to what can it be imputed, that those who employ their lives in maritime business should be strangers to them? Why have no complaints been made by those that have been injured? Or why should officers expose themselves to the hazard of censure, without advantage? I cannot discover why these hardships should be inflicted, nor how they could have been concealed, and therefore think the officers of the navy may be cleared from the imputation, without further enquiry.

Sir *John Barnard*:

Sir; it is in vain that objections are made, if the facts upon which they are founded may be denied at pleasure: nothing is more easy than to deny, because proofs are not required of a negative. But as negatives require no proof, so they have no authority, nor can any consequence be deduced from them. I might therefore suffer the facts to remain in their present state, asserted on one side by those that have reasons to believe them, and doubted on the other without reasons; for surely he cannot be said to reason, who questions an assertion only because he does not know it to be true.

But as every question by which the liberty of a Briton may be affected, is of importance sufficient to require that no evidence should be suppressed by which it may be cleared, I cannot but think it proper that a committee should be formed to examine the conduct of the officers in this particular; and, in confidence of the veracity of those from whom I received my information, I here promise to produce such evidence as shall put an end to controversy and doubt.

If this is not granted, Sir, the fact must stand recorded and allowed; for to doubt, and refuse evidence, is a degree of prejudice and obstinacy without example. Nor is this the only objection to the clause before us, which appears very imperfect with regard to the qualifications specified as a title to the reward. The reward ought not to be confined to those who shall hereafter be invited by the promise of it to engage in the service, while those who entered into it without any such prospect, are condemned to dangers and fatigue without a recompence. Where merit is equal, the reward ought to be equal; and surely where there is greater merit, the reward, proposed by the parliament as an encouragement to bravery, ought not to be less. To be excluded from the advantages which others have obtained only by avoiding the service, cannot but depress the spirit of those whose zeal and courage



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incited them, at the beginning of the war, to enter into the fleet; and to deject those from whom we expect defence and honour is neither prudent nor just.

Nor is it, in my opinion, proper to offer the same reward indiscriminately to all that shall accept it; rewards ought to be proportioned to desert, and no man can justly be paid for what he cannot perform; there ought, therefore, to be some distinction made between a seaman by profession, one that has learned his art at the expence of long experience, labour and hazard, and a man who only enters the ship because he is useless on land, and who can only incommode the sailors till he has been instructed by them.

It appears, Sir, to me a considerable defect in our naval regulations, that wages are not proportioned to ability; and I think it may not be now unseasonably proposed, that sailors should be paid according to the skill which they have acquired; a provision by which an emulation would be raised among them, and that industry excited, which now languishes for want of encouragement; and those capacities awakened, which now slumber in ignorance and sloth, from the despair of obtaining any advantage by superiority of knowledge.

Sir *Robert Walpole:*

Sir; that this charge, Sir, however positively urged, is generally unjust, the declarations of these honourable gentlemen are sufficient to evince, since it is not probable that the injured persons would not have found some friend to have represented these hardships to the Admiralty, and no such representations could have been made without their knowledge.

Yet, Sir, I am far from doubting that, by accident, or perhaps by malice, some men have been treated in this manner; for it is not in the power of any administration to make all those honest or wise whom they are obliged to employ; and when great affairs are depending, minute circumstances cannot always be attended to. If the vigilance of those who are entrusted with the chief direction of great numbers of subordinate officers be such, that corrupt practices are not frequent, and their justice such, that they are never unpunished when legally detected, the most strict enquirer can expect no more. Power will sometimes be abused, and punishment sometimes be escaped.

It is, Sir, easy to be conceived that a report may become general, though the practice be very rare. The fact is multiplied as often as it is related, and every man who hears the same story twice, imagines that it is told of different persons, and exclaims against the tyranny of the officers of the navy.

But these, in my opinion, Sir, are questions, if not remote from the present affair, yet by no means essential to it. The question now before us is, not what illegalities have been committed in the execution of impresses, but how impresses themselves may become less necessary? How the nation may be secured without injury to individuals? And how the fleet may be manned with less detriment to commerce?

Sir, the reward now proposed is intended to excite men to enter the service without compulsion; and if this expedient be not approved, another ought to be suggested; for I hope gentlemen are united in their endeavours to find out some method of security to the public, and do not obstruct the proceedings of the committee, that, when the fleets lie inactive and useless, they may have an opportunity to reproach the ministry.

Sir *John Norris:*

Sir; though it is not necessary to enter into an accurate examination of the gentleman's proposal, yet I cannot but observe, that by making it he discovers himself unacquainted with the disposition of seamen, among whom nothing raises so much discontent as the suspicion of partiality. Should one man, in the same rank, receive larger wages than another, he who thought himself injured, as he who is paid less will always think, would be so far from exerting his abilities to attain an equality with his associate, that he would probably never be prevailed on to lay his hand upon the tackling, but would sit sullen, or work perversely, though the ship were labouring in a storm, or sinking in a battle.

Mr. *Gore:*

Sir; the danger of introducing distinctions among men in the same rank, where every man that imagines his merit neglected may have an opportunity of resenting the injury, is doubtless such as no prudent commander will venture to incur.

Every man in this case becomes the judge of his own merit; and as he will always discover some reason for the preference of another very different from superiority of desert, he will, by consequence, be either enraged or dispirited, will either

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resolve to desert his commander, or betray him to the enemies, or not oppose them.

I remember, though imperfectly, a story which I heard in my travels, of an army in which some troops received a penny a day less than the rest; a parsimony which cost dear in the day of battle, for the disgusted troops laid down their arms before the enemy, and suffered their general to be cut in pieces.

General *Wade:*

Sir; I cannot but concur with the hon. gentleman in his opinion that those who are already engaged in the service, who have borne the fatigues of a long voyage, and perhaps are at this hour exposing their lives in battle to defend the rights of their country, ought to have the same claim to the reward proposed with those who shall hereafter offer themselves. Nor in my opinion ought those who have hitherto been pressed into our fleets to be discouraged from their duty by an exclusion from the same advantage: for if they were compelled to serve in the fleet, they were compelled when there was not this encouragement for volunteers, which, perhaps, they would have accepted if it had been then proposed. Every man at least will allege, that he would have accepted it, and complain he suffers only by the fault of the government; a government which he will not be very zealous to defend, while he is considered with less regard than others from whom no greater services are expected.

A prospect of new rewards, Sir, will add new alacrity to all the forces, and an equal distribution of favour will secure an unshaken and inviolable fidelity. Nothing but union can produce success, and nothing can secure union but impartiality and justice.

Mr. *Sandys:*

Sir; the efficacy of rewards, and the necessity of an impartial distribution, are no unfruitful subjects for rhetoric; but it may perhaps be more useful at present to consider with such a degree of attention as the question must be acknowledged to deserve, to whom these rewards are to be paid, and from what fund they are expected to arise.

With regard to those who are to claim the reward, Sir, they seem very negligently specified; for they are distinguished only by the character of having served five years; a distinction unintelligible, without explanation.

It is, I suppose, Sir, the intent of the Bill, that no man shall miss the reward but by his own fault, and therefore it may be enquired, what is to be the fate of him who shall be disabled in his first adventure, whom in the first year or month of his service, an unlucky shot shall confine for the remaining part of his life to inactivity: As the Bill is now formed, he must be miserable without a recompence; and his wounds, which make him unable to support himself, will, though received in defence of his country, entitle him to no support from the public.

Nor is this the only difficulty that may arise from the specifying of so long a service; for how can any man that shall enter on board the fleet be informed that the war will continue for five years? May we not all justly hope that alacrity, unanimity, and prudence, may in a much shorter time reduce our enemies to beg for peace? And shall our sailors lose that reward of their hazards and their labours, only because they have been successful? What will this be less than making their bravery a crime or folly, and punishing them for not protracting the war by cowardice or treachery?

But let us suppose, Sir, those defects supplied by a more explicit and determinate specification, there will yet arise an objection which the present state of our revenues will not suffer to be answered. The consideration of the greatness of the annual payment which this proposal requires, ought to incite every man to employ all his sagacity in search of some other method equally efficacious and less expensive.

We have already, Sir, 40,000 seamen in our pay, to whom 8,000 more are speedily to be added; when each of these shall demand his stipend, a new burthen of 288,000*l.* must be laid upon the nation; upon a nation, whose lands are mortgaged, whose revenues are anticipated, and whose taxes cannot be borne without murmurs, nor increased without sedition.

The nation has found by experience, that taxes once imposed for just reasons, and continued upon plausible pretences, till they are become familiar, are afterwards continued upon motives less laudable, are too productive of influence, and too instrumental towards facilitating the measures of the ministry, to be ever willingly remitted.

Colonel *Bladen:*

Sir; it is obvious that when the ba-

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lance is unequal, it may be reduced to an equilibrium, as well by taking the weight out of one scale, as adding it to the other. The wages offered by the merchants overbalance, at present, those which are proposed by the crown; to raise the allowance in the ships of war, will be to lay new loads upon the public, and will incommode the merchants, whose wages must always bear the same proportion to the king's. The only method then that remains, is to lighten the opposite scale, by restraining the merchants from giving wages in time of war beyond a certain value; for as the service of the crown is then more immediately necessary to the general advantage, than that of the merchants, it ought to be made more gainful. Sailors, Sir, are not generally men of very extensive views; and therefore we cannot expect that they should prefer the general good of their country before their own present interest, a motive of such power, that even with men of curious researches, refined sentiments, and generous education, we see too often that it surmounts every other consideration.

Lord *Baltimore*:

Sir; to the expedient which the hon. gentleman who spoke last has suggested, and which he must be confessed to have placed in the strongest light, many objections may be raised, which I am afraid will not easily be removed.

The first, Sir, which occurs to me on this short reflection is not less than the impossibility of putting his scheme in execution. The prescription of wages which he proposes, may be eluded by a thousand artifices, by advanced money, by gratuitous acknowledgments, the payment of money for pretended services, or by secret contracts, which it will be the interest of both parties to conceal.

But if this objection could be surmounted by severity and vigilance, would not this expedient help to defeat the general intention of the Bill? A bill not designed as an immediate resource, a mere temporary project to supply our fleets for the present year, but as a method for removing the only obstruction of the British power, the difficulty of manning our ships of war.

It is, I hope, Sir, the intention of every man who has offered his sentiments on this occasion, to contrive some general encouragement for seamen, which shall not only invite them to assist their country at the first summons, but shall allure others to qualify themselves for the public service, by engaging in the same profession.

This is only to be done by making the condition of sailors less miserable, by entitling them to privileges, and honouring them with distinctions. But by limiting the merchants wages, if such limitations are indeed possible, though we may palliate the present distress, we shall diminish the number of our sailors, and, thereby, not only contract our commerce, but endanger our country.

Mr. *Tracey*:

Sir; I know not for what reasons the present method of advancing rewards at entrance is practised, of which, however specious it might appear, the success by no means encourages the continuance. The sailors, though not a generation of men much disposed to reflection, or qualified for ratiocination, are not yet so void of thought as not easily to perceive that a small increase of constant wages is of more value than several pounds to be paid only at once, and which are squandered as soon as they are received.

Instead therefore of restraining the wages of the merchants, it seems probable that, by raising those of the king, we may man the fleet with most expedition; and one method of raising the wages will be to suppress the advanced money.

Mr. Attorney General *Ryder*:

Sir; if the sum of money now paid by way of advance can be supposed to have any effect, if it can be imagined that any number of seamen, however inconsiderable, are allured by it into the fleet, it is more usefully employed than it can be supposed to be when sunk into the current wages, and divided into small payments.

The advance-money is only paid to those that enter: if no volunteers present themselves, no money is paid, and the nation doth not suffer by the offer: but if the wages are raised, the expence will be certain, without the certainty of advantage; for those that enter voluntarily into the fleet, will receive no more than those that are forced into it by an impress; and therefore there will be no incitement to enter without compulsion. Thus every other inconvenience will remain, with the addition of a new burthen to the nation; our forces will be maintained at a greater expence, and not raised with less difficulty.



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Lord *Baltimore:*

Sir; I cannot but concur in opinion with the hon. gentleman who spoke last, from my own acquaintance with the sentiments and habits that unalterably prevail among those who have been accustomed to the sea; a race of men to the last degree negligent of any future events, and careless about any provision against distant evils; men who have no thoughts at sea but how to reach the land, nor at land but how to squander what they have gained at sea. To men like these it may easily be imagined that no encouragement is equal to the temptation of present gain, and the opportunity of present pleasure.

Of this any man, Sir, may convince himself, who shall talk to a crew but half an hour; for he shall find few among them, who will not for a small sum of present money, sell any distant prospect of affluence or happiness.

Whether I am mistaken in my opinion, the honourable members who have long commanded in the naval service, can easily determine; and I doubt not but they will agree, that no motive can be proposed to a sailor equivalent to immediate reward.

Sir *William Yonge:*

Sir; that some distinction ought to be made to the advantage of volunteers, if we intend to man our fleet without compulsion, is obvious and incontestable; and to avoid the necessity of compulsion ought to be the chief end of this Bill; for nothing can be less to the advantage of the nation, than to continue the use of such ungrateful methods, and yet increase the public expence.

We ought, therefore, in my opinion, to determine upon some peculiar reward, either to be advanced upon their entrance into the service, or paid at their dismission from it.

But as I see, Sir, no reason for hoping that all the encouragement which can be offered, will raise volunteers in a sufficient number to secure our navigation, and assert our sovereignty, it seems not proper to confine our consultations to this part of the Bill; for since compulsion is on many occasions apparently necessary, some method requires to be considered in which it may be legal.

What new power ought to be placed in the magistrate, for what time, and what restrictions, I am far from assuming the province of determining; but that some measures must be taken for compelling those who cannot be persuaded, and discovering those that will not offer themselves, cannot admit of doubt; and as the magistrate is at present without any authority for this purpose, it is evident that his power must be extended for the same reason as it was given in its present degree, the general benefit of the whole community.

Sir *John Barnard:*

Sir; if the intent of this Bill be to enable one part of the nation to enslave the other; if the plausible and inviting professions of encouraging and increasing seamen, are to terminate in violence, constraint, and oppression; it is unnecessary to dwell longer upon particular clauses. The intention of the Bill is detestable, and deserves not the ceremony of debate, or the forms of common regard.

If a man, Sir, is liable to be forced from the care of his own private affairs, from his favourite schemes of life, from the engagements of domestic tenderness, or the prospect of near advantage, and subjected without his consent, to the command of one whom he hates, or dreads, or perhaps despises, it requires no long argument to shew, that by whatever authority he is thus treated, he is reduced to the condition of a slave, to that abject, to that hateful state, which every Englishman has been taught to avoid at the hazard of his life.

It is therefore evident, that the law which tends to confer such a power, subverts our constitution as far as its effects extend; a constitution, which was originally formed as a barrier against slavery, and which one age after another has endeavoured to strengthen.

Such a power, therefore, in whatever hands it may be lodged, I shall always oppose. It is dangerous, Sir, to entrust any man with absolute dominion, which is seldom known to be impartially exercised, and which often makes those corrupt and insolent, whom it finds benevolent and honest.

The Bill proposes only encouragement; and encouragement may be given by his majesty, without a new law; let us therefore draw up an Address, and cease to debate where there is no prospect of agreement.

Mr. *Winnington:*

Sir; the payment of an annual salary will, in my opinion, be to the last degree

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inconvenient and dangerous. The yearly expence has been already estimated, and arises to a sum very formidable in our present state. Nor is the necessity of adding to the public burthen, a burthen which is already hard to be borne, the only objection to this proposal.

Nothing can more contribute to dispirit the nation, than to protract the consequences of a war, and to make the calamity felt, when the pleasures of victory and triumph have been forgotten; we shall be inclined rather to bear oppression and insult, than endeavour after redress, if we subject ourselves and our posterity to endless exactions.

The expences of the present provision for superannuated and disabled sailors, is no inconsiderable tax upon the public, which is not less burdened by it for the manner of collecting it, by a deduction from the sailors wages; for, whoever pays it immediately, it is the ultimate gift of the nation, and the utmost that can be allowed.

It must be confessed, Sir, the persons entitled to the pension are not sufficiently distinguished in the Bill; by which, as it now stands, any of the worthless superfluities of a ship, even the servants of the captains, may, after five years, put in their demand, and plunder that nation which they never served.

Nor do I think, Sir, the efficacy of this method will bear any proportion to the expence of it; for I am of opinion, that few of the sailors will be much affected by the prospect of a future pension. I am therefore for dazzling them with *5l.* to be given them at their entrance, which will be but a single payment, and probably fill our fleets with greater expedition, than methods which appear more refined, and the effects of deeper meditation.

Lord *Gage:*

Sir; nothing is more clear than that a yearly pension will burthen the nation without any advantage; and as it will give occasion to innumerable frauds, it is a method which ought to be rejected.

As to the new power, Sir, which is proposed to be placed in the hands of the magistrates, it undoubtedly reduces every sailor to a state of slavery, and is inconsistent with that natural right to liberty, which is confirmed and secured by our constitution. The Bill therefore is, in my opinion, defective in all its parts, of a tendency generally pernicious, and cannot be amended but by rejecting it.

Mr. *Henry Pelham:*

Sir; I cannot but think it necessary, that, on this occasion at least, gentlemen should remit the ardour of disputation, and lay the arts of rhetoric aside, that they should reserve their wit and their satire for questions of less importance, and unite, for once, their endeavours, that this affair may meet with no obstructions but from its natural difficulty.

We are now, Sir, engaged in a war with a nation, if not of the first rank in power, yet by no means contemptible in itself; and, by its alliances, extremely formidable. We are exposed, by the course of our trade, and the situation of our enemies, to many inevitable losses, and have no means of preventing our merchants from being seized, without danger or expence to the Spaniards, but by covering the sea with our squadrons.

Nor are we, Sir, to satisfy ourselves with barely defeating the designs of the Spaniards; our honour demands that we should force them to peace upon advantageous terms; that we should not repulse, but attack them; not only preserve our own trade and possessions, but endanger theirs.

It is by no means certain, Sir, that, in the prosecution of these designs, we shall not be interrupted by the interest or jealousy of a nation far more powerful, whose forces we ought therefore to be able to resist.

A vigorous exertion of our strength will probably either intimidate any other power that may be inclined to attack us, or enable us to repel the injuries that shall be offered; discord and delay can only confirm our open enemies in their obstinacy, and animate those that have hitherto concealed their malignity to declare against us.

It is, therefore, Sir, in no degree prudent to aggravate the inconveniencies of the measures proposed, for accomplishing what every man seems equally to desire; to declaim against the expedients offered in the Bill as pernicious, unjust, and oppressive, contributes very little to the production of better means. That our affairs will not admit of long suspence, and that the present methods of raising seamen are not effectual, is universally allowed; it therefore evidently follows, Sir, that some other must be speedily struck out.

I think it necessary to propose, that the House be resolved into a committee to-

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morrow morning; and hope all that assemble on this occasion, will bring with them no other passion than zeal for their country.

The Speaker then resumed the chair, and the chairman of the committee reported progress, and desired leave to sit again.

March 4. The House in a grand committee took the said Bill into further consideration, when a Clause was offered, by which 5*l.* was proposed to be advanced to an able Seaman, and 3*l.* to every other man that should enter voluntarily into his majesty's service, after 20 days and within 60.

Mr. *Winnington:*

Sir; this is a clause in which no opposition can be apprehended, as those gentlemen who declared their disapprobation of the former, were almost unanimous in proposing this expedient, as the least expensive, and the most likely to succeed.

The time for the reception of volunteers upon this condition, is, Sir, in my opinion, judiciously determined. If it was extended to a greater length, or left uncertain, the reward would lose its efficacy, the sailors would neglect that which they might accept at any time, and would only have recourse to the ships of war when they could find no other employment.

Yet I cannot conceal my apprehensions, that this bounty will not alone be sufficient to man our fleets with proper expedition; and that as allurements may be useful on one hand, force will be found necessary on the other, that the sailors may not only be incited to engage in the service by hopes of a reward, but by the fear of having their negligence to accept it punished, by being compelled into the same service, and forfeiting their claim by staying to be compelled.

Lord *Baltimore:*

Sir; to the reward proposed in this clause, I have declared in the former conference on this Bill, that I have no objection, and therefore have no amendment to propose, except with regard to the time limited for the payment.

As our need of seamen, Sir, is immediate, why should not a law for their encouragement immediately operate? What advantages can arise from delays? Or why is not that proper to be advanced now, that will be proper in twenty days? That all the time between the enaction and operation of this law must be lost, is evident; for who will enter for two pounds, that may gain five by with-holding himself from the service twenty days longer?

Nor do I think the time now limited sufficient; many sailors who are now in the service of the merchants, may not return soon enough to lay claim to the bounty, who would gladly accept of it, and who will either not serve the crown without it, or will serve with disgust and complaints; as the loss of it cannot be imputed to their backwardness, but to an accident against which they could not provide.

Mr. *Winnington:*

Sir; though I think the time now fixed by the Bill sufficient, as I hope that our present exigency will be but of short continuance, and that we shall soon be able to raise naval forces at a cheaper rate, yet, as the reasons alleged for an alteration of the time may appear to others of more weight than to me, I shall not oppose the amendment.

Sir *John Barnard:*

Sir; with regard to the duration of the time fixed for the advancement of this bounty, we may have leisure to deliberate; but surely it must be readily granted by those who have expatiated so copiously upon the present exigencies of our affairs, that it ought immediately to commence. And if this be the general determination of the House, nothing can be more proper than to address his majesty to offer, by proclamation, an advance of five pounds, instead of two, which have been hitherto given; that, while we are concerting other measures for the advantage of our country, those in which we have already concurred, may be put in execution.

Mr. *Pulteney:*

Sir; I take this opportunity to lay before the House a grievance which very much retards the equipment of our fleets, and which must be redressed before any measures for reconciling the sailors to the public service can be pursued with the least probability of success.

Observation, Sir, has informed me, that to remove the detestation of the king's service, it is not necessary to raise the wages of the seamen, it is necessary only to secure them; it is necessary to destroy those hateful insects that fatten in idleness and debauchery, upon the gains of the industrious and honest.

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When a sailor, Sir, after the fatigues and hazards of a long voyage, brings his ticket to the pay-office, and demands his wages, the despicable wretch to whom he is obliged to apply, looks upon his ticket with an air of importance, acknowledges his right, and demands a reward for present payment; with which demand, however exorbitant, the necessities of his family oblige him to comply.

In this manner, Sir, are the wives of the sailors also treated when they come to receive the pay of their husbands; women, distressed, friendless, and unsupported; they are obliged to endure every insult, and to yield to every oppression. And to such a height do these merciless exactors raise their extortions, that sometimes a third part of the wages is deducted.

Thus, Sir, do the vilest, the meanest of mankind, plunder those who have the highest claim to the esteem, the gratitude and the protection of their country. This is the hardship which with-holds the sailors from our navies, and forces them to seek for kinder treatment in other countries. This hardship, Sir, both justice and prudence call upon us to remedy; and while we neglect it, all our deliberations will be ineffectual.

Mr. *Southwell:*

Sir; of the hardships mentioned by the hon. gentleman, I have myself known an instance, too remarkable not to be mentioned. A sailor in Ireland, after his voyage, met with so much difficulty in obtaining his wages, that he was at length reduced to the necessity of submitting to the reduction of near a sixth part. Such are the grievances with which those are oppressed, upon whom the power, security, and happiness of the nation are acknowledged to depend.

Sir *Robert Walpole:*

Sir; it is not without surprize that I hear the disgust of the sailors ascribed to any irregularity in the payment of their wages, which were never in any former reign so punctually discharged. They receive, at present, twelve months pay in eighteen months, without deduction; so that there are never more than six months for which any demand remains unsatisfied.

But, Sir, the punctuality of the payment has produced of late great inconveniencies; for there has been frequently a necessity of removing men from one ship to another; and it is the stated rule of the pay office, to assign every man so removed his full pay. These men, when the government is no longer indebted to them, take the first opportunity of deserting the service, and engaging in business to which they are more inclined.

This is not a chimerical complaint founded upon rare instances, and produced only to counterbalance an objection; the fact and the consequences are well known, so well, that near 1,400 sailors are computed to have been lost by this practice.

The *Speaker:*

Sir; the nature of the employment with which I am entrusted, makes it my duty to endeavour that this question may be clearly understood, and the condition of the seamen, with regard to the reception of their pay, justly represented.

I have not been able to discover that any sailor upon producing his ticket, was ever obliged to submit to the deduction of any part of his wages, nor should any clerk or officer under my inspection, escape for such oppression, the severest punishment, and most public censure; I would give him up to the law without reserve, and mark him as infamous and unworthy of any trust or employment.

But there are extortioners, Sir, by which those unhappy men, after having served their country with honesty and courage, are deprived of the lawful gains of diligence and labour. There are men to whom it is usual amongst the sailors to mortgage their pay before it becomes due, who never advance their money but upon such terms, as cannot be mentioned without indignation. These men advance the sum which is stipulated, and by virtue of a letter of attorney are reimbursed at the pay-office.

This corruption is, I fear, not confined to particular places, but has spread even to the West Indies, where, as in his own country, the poor sailor is seduced, by the temptation of present money, to sell his labour to extortioners and usurers.

I appeal to the gentleman whether the instance which he mentioned was not of this kind. I appeal to him without apprehension of receiving an answer that can tend to invalidate what I have asserted. [Mr. Southwell owned it was by a letter of attorney.]

This, Sir, is indeed a grievance pernicious and oppressive, which no endeavours of mine shall be deficient in attempting to

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remove; for by this the sailor is condemned, notwithstanding his industry and success, to perpetual poverty, and to labour only for the benefit of his plunderer.

The Clauses were then read, empowering the Justices of the Peace, &c. to issue Warrants to the constables, &c. to make general privy Searches, by day or night, for finding out and securing such Seamen and Seafaring men as lie hid or conceal themselves; and making it lawful for the officers appointed to make such Searches, to force open the doors of any house where they shall suspect such seamen to be concealed, if entrance be not readily admitted; and for fixing a penalty on those who shall harbour or conceal any seamen.

Sir *John Barnard:*

Sir; we have been hitherto deliberating upon questions, in which diversity of opinions might naturally be expected, and in which every man might indulge his own opinion, whatever it might be, without any dangerous consequences to the public. But the clauses now before us are of a different kind; clauses which cannot be read without astonishment and indignation, nor defended without betraying the liberty of the best, the bravest, and most useful of our fellow subjects.

If these clauses, Sir, should pass into a law, a sailor and a slave will become terms of the same signification. Every man who has devoted himself to the most useful profession, and most dangerous service of his country, will see himself deprived of every advantage which he has laboured to obtain, and made the mere passive property of those who live in security by his valour, and owe to his labour that influence which hardens them to insensibility, and that pride that swells them to ingratitude.

Why must the sailors alone, Sir, be marked out from all the other orders of men for ignominy and misery? Why must they be ranked with the enemies of society, stopped like vagabonds, and pursued like the thief and the murderer, by public officers? How or when have they forfeited the common privilege of human nature, or the general protection of the laws of their country? If it is a just maxim, Sir, that he who contributes most to the welfare of the public, deserves most to be protected in the enjoyment of his private right or fortune, (a principle which surely will not be controverted) where is the man that dares stand forth and assert, that he has juster claims than the brave, the honest, the diligent sailor?

I am extremely unwilling, Sir, to engage in so invidious an undertaking, as the comparison of the harmless, inoffensive, resolute sailor, with those who think themselves entitled to treat him with contempt, to overlook his merit, invade his liberty, and laugh at his remonstrances.

Nor is it, Sir, necessary to dwell upon the peculiar merit of this body of men; it is sufficient that they have the same claims, founded upon the same reasons with our own; that they have never forfeited them by any crime, and therefore that they cannot be taken away, without the most flagrant violation of the laws of nature, of reason, and of our country.

Let us consider the present condition of a sailor, let us reflect a little upon the calamities to which custom, though not law, has already made him subject, and it will surely not be thought that his unhappiness needs any aggravation.

He is already exposed to be forced, upon his return from a tedious voyage, into new hardships, without the intermission of a day, and without the sight of his family; he is liable, after a contract for a pleasing and gainful voyage, to be hurried away from his prospects of interest, and condemned, amidst oppression and insolence, to labour and to danger, almost without the possibility of a recompence. He has neither the privilege of chusing his commander, nor of leaving him when he is defrauded and oppressed.

These, Sir, I say, are the calamities to which he is now subject, but there is now a possibility of escaping them. He is not yet deprived of the right of resistance, or the power of flight; he may now retire to his friend, and be protected by him; he may take shelter in his own cottage, and treat any man as a robber, that shall attempt to force his doors.

When any crews are returning home in time of war, they are acquainted with the dangers of an impress, but they comfort themselves with contriving stratagems to elude it, or with the prospect of obtaining an exemption from it by the favour of their friends: prospects which are often deceitful, and stratagems frequently defeated, but which yet support their spirits, and animate their industry.

But if this Bill, Sir, should become a law, the sailor, instead of amusing himself on his return, with the prospects of ease, or of pleasure, will consider his country as a



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place of slavery, a residence less to be desired than any other part of the world. He will probably seek, in the service of some foreign prince, a kinder treatment, and will not fail, in any country but his own, to see himself at least on a level with other men.

Nor will this Bill, Sir, only give the seamen new reason of disgust, but it will tend likewise to aggravate those grievances which already have produced a detestation of the public service, scarcely to be conquered.

The officers of the navy, Sir, will hardly be made less insolent by an increase of power; they whose tyranny has already alienated their fellow subjects from the king's service, though they could only depend upon the character of probity and moderation for the prospect of manning their ships in succeeding expeditions, will probably, when they are animated by a law like this, and made absolute both by land and sea, indulge themselves in the enjoyment of their new authority, contrive new hardships and oppressions, and tyrannize without fear and without mercy. Thus, Sir, will the Bill not only be tyrannical in itself, but the parent of tyranny; it will give security to the cruel, and confidence to the arrogant.

That any man, at least any man bred from his infancy to change his residence, and accustomed to different climates and to foreign nations, will fix by choice in that country where he finds the worst reception, is hardly to be imagined. We see, indeed, that men unqualified to support themselves in other countries, or who have, by long custom, contracted a fondness for particular methods of life, will bear very uncomfortable circumstances, without endeavouring to improve their conditions by a change of their habitations. But the temper of a sailor, acquainted with all parts, and indifferent to all, is of another kind. Such, Sir, is his love of change, arising either from wantonness or curiosity, that he is hard to be retained by the kindest treatment and most liberal rewards, and will therefore never struggle with his habitual dispositions, only to continue in a state of slavery.

I think it therefore, Sir, very evident that this new method of encouraging sailors will be so far from increasing them, that it may probably drive them out of the kingdom, and at once ruin our trade and our navy; at once beggar and disarm us.

Let me now suppose, Sir, for a moment, the Bill less pernicious in its consequences, and consider only the difficulties of executing it. Every sea-faring man is to be seized at pleasure by the magistrate; but what definition is given of a sea-faring man? Or by what characteristic is the magistrate to distinguish him? I have never been able to discover any particularities in the form of a seaman that mark him out from the rest of the species. There is, indeed, less servility in his air, and less effeminacy in his face, than in those that are commonly to be seen in drawing-rooms, in brothels, and at reviews: but I know not that a seaman can be distinguished from any other man of equal industry or use, who has never enervated himself by vice, nor polished himself into corruption. So that this Bill, Sir, if it shall pass into a law, will put it at once in the power of the magistrate to dispose of seamen at his pleasure, and to term whom he pleases a seaman.

Another expedient, Sir, has been offered on this occasion not equally tyrannical, but equally inadequate to the end in view. It is proposed to restrain the merchants from giving wages beyond a certain rate, on the supposition that the sailors have no motive but that of larger wages, to prefer the service of the merchants to that of the crown.

This, Sir, is a mistake which might easily arise from a partial and imperfect knowledge of the affair, with which very few gentlemen have opportunities of being well acquainted. The wages, Sir, are the smallest inducements which fix the seamen in their choice. The prospect of kinder treatment, the certainty of returning home in a fixed time, and the power of chusing what voyages they will undertake, cannot but be acknowledged very reasonable motives of preference.

On the contrary, Sir, when they are once engaged in a ship of war, they know neither whither they are going, what dangers they shall encounter, what hardships they shall suffer, nor when they shall be dismissed.

Besides, Sir, I do not think it possible by any law to limit the wages to be paid by merchants, since they will change the term of wages into that of a present, or admit the sailors to a small share in the freight, and so all the precaution we can take will become ineffectual.

In the mean time, Sir, how much shall we embarrass our own commerce, and impair our natural strength, the power of our fleets? We shall terrify our sailors on

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the one hand, and endeavour to starve them on the other; we shall not only drive them from us by unheard of severities, but take away every motive that can induce them to expose themselves to the danger of suffering them.

If we consider, Sir, with what effect methods nearly approaching these were practised in the reign of the late queen Anne, we shall find that not more than 1,500 seamen were raised, and those at the expence of more than 4,000*l.* so that the effects bore no proportion to the means; our laws were infringed, and our constitution violated to no purpose.

But what reason, Sir, can be assigned for which it must be more difficult to supply the fleet now with sailors than at any other time? This war, Sir, was demanded by the public voice, in pursuance of the particular remonstrances of the merchants, and it is not to be supposed that the sailors, or any other body of men, engage in it with a particular reluctance.

I am therefore inclined to believe that the suspicion of great numbers hid in the country, at a distance from the coasts, is merely chimerical; and that if we should pass this Bill, we should do nothing more than grant an oppressive and unconstitutional power of search for what in reality is not to be found.

How oppressive this power may become in the hands of a corrupt or insolent magistrate, any man may discover who remembers that the magistrate is made judge, without appeal, of his own right to denominate any man a sailor, and that he may break open any man's doors at any time, without alleging any other reason than his own suspicion; so that no man can secure his house from being searched, or, perhaps, his person from being seized.

It may indeed be alleged, Sir, that this will be only a temporary law, and is to cease with the exigence that made it necessary: But long experience has informed us, that severe laws are enacted more readily than they are repealed; and that most men are too fond of power to suffer willingly the diminution of it.

But, Sir, though the law should not be perpetuated, every precedent of an infringement of our constitution, makes way for our dissolution; and the very cessation of an oppressive law, may be a plea hereafter for the revival of it.

This Bill therefore must be confessed to be at once violent and ineffectual; to be a transgression of the laws of justice to particular men, without any prospect of real benefit to the community; and therefore cannot be passed without deviating at once from prudence and our constitution.

Captain *Cornwall:*

Sir; I have observed, Sir, that every man is apt to think himself ill treated, who is not treated according to his own opinion of his deserts, and will endeavour to diffuse his own notion of the partiality and tyranny of the naval officers; general clamours therefore are little to be regarded.

I have had, from my early years, a command in the sea service, and can assert, that I never knew more than one instance of injustice, and that was punished with the severity it deserved.

Sir *Robert Walpole:*

Sir; it is with uncommon satisfaction that I see every clause of this Bill regularly debated, without unbecoming impatience, or passionate exclamations. I am willing to collect from this conduct, that the disposition of every gentleman is, on this occasion, the same with my own; and that every expedient here proposed will be diligently examined, and either be seriously approved, or be calmly rejected.

Such coolness and impartiality, Sir, is certainly required by the importance of the present question; a question which cannot but influence the prosperity of the nation for many years.

It is not necessary to remind any gentlemen of the importance of our trade, of the power of the enemy against whom we have declared war in defence of it, or of the necessity of shewing the world that our declarations of war are not empty noises, or farces of resentment. But it may be proper, Sir, to remark, that this is not the only enemy, nor the most powerful, whose attempts we have reason to provide against, and who may oblige us to exert our whole power, and practise every expedient to increase our forces.

The war has been hitherto prosecuted with the utmost vigour, with all the attention that its importance requires, and with success not disproportioned to our preparations; nor will it ever be suffered to languish, if the powers necessary for carrying it on are not denied.

Nothing is more evident, Sir, than that the natural power of the nation consists in its fleets, which are now, by the care of the government, so numerous, that the united power of many nations cannot equal them. But what are fleets un-

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furnished with men? How will they maintain the dominion of the sea, by lying unactive in our harbours?

That no methods hitherto used have been sufficient to man our navies, and that our preparations have therefore been little more than an expensive shew of war, the whole nation is sufficiently informed; it is therefore not doubtful that some new measures must be taken; whether any better can be suggested than are offered in this Bill, must be enquired.

With regard, Sir, to the clause now under our consideration, it is to be remembered, that little more is proposed by it than to add the sanction of legality to a power which has long been exercised by the admiralty, without any other authority than that of long prescription, the power of issuing warrants of impress upon emergent occasions, by which sailors are forced into the public service.

This power, in its present state, must be allowed to have no foundation in any law, and by consequence, to be unlimited, arbitrary, and easily abused, and upon the whole, to be justifiable only by necessity: but that necessity is so frequent, that it is often exercised, and therefore ought to be regulated by the legislature: and by such regulations, we may rather be said to remove than introduce a grievance.

The power of searching for sailors, however it has been represented, is far from setting them on a level with felons, murderers, or vagabonds; or indeed from distinguishing them, to their disadvantage, from the rest of the community, of which every individual is obliged to support the government.

Those that possess estates, or carry on trade, transfer part of their property to the public; and these ought, by parity of reason, to serve the public in person, that have no property to transfer. Every man is secured by the constitution in the enjoyment of his life, his liberty, or his fortune; and therefore every man ought reciprocally to defend the constitution to which he is himself indebted for safety and protection.

I am therefore, Sir, unable to discover in what consists the hardship of a law by which no new duties are enjoined, nor any thing required, which is not already every man's duty. Every man, indeed, who is desirous of evading the performance of any of the duties of society, will consider every compulsion as a hardship, by which he is obliged to contribute to the general happiness; but his murmurs will prove nothing but his own folly and ingratitude, and will certainly deserve no regard from the legislative power.

There is in the Bill before us, Sir, encouragement sufficient for volunteers, and an offer of greater rewards than some gentlemen think consistent with the present state of the national revenues; and what remains to be done with respect to those who are deaf to all invitations, and blind to all offers of advantage? Are they to sit at ease only because they are idle, or to be distinguished with indulgence only for want of deserving it?

It seems generally granted, Sir, that such drones are the proper objects for an impress. Let us then suppose that every man who is willing to serve his country, has laid hold of the reward proposed, and entered a volunteer. The fleets are not yet sufficiently manned, more sailors must be produced. Warrants are issued out in the common form. The negligent, the imprudent, the necessitous are taken. The vigilant, the cunning, and those that have more money find shelter and escape. Can it be said, that those, whose circumstances, or good fortune, enable them to secure themselves from the officers of the impress, deserve any exemption from the public service, or from the hardships to which their companions are exposed? Have they discharged their debt of gratitude to the public so effectually by running away from its service, that no search ought to be made after them? It seems evident, that, if it was right to seize the one, it is likewise right to pursue the other, and if it be right to pursue him, it is likewise right to hinder him from escaping the pursuers. It is then right to vest some persons with the power of apprehending him, and in whom is that power to be lodged, but in the civil magistrate?

Every man, Sir, is obliged by compulsive methods to serve his country, if he can be prevailed upon by no other. If any man shall refuse to pay his rates or his taxes, will not his goods be seized by force, and sold before his face? If any particular methods are proposed for obliging seamen to contribute to the public safety, it is only because their service is more necessary upon more pressing occasions than that of others; upon occasions that do not admit of delay, without the hazard of the whole community.

I must confess, Sir, there are many instances in which the hardships of the

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seafaring part of the nation are peculiar, and truly calamitous. A sailor, after the dangers and toils of a long voyage, when he is now in the sight of the port, where he hopes to enjoy that quiet which he has deserved by so long a series of fatigues, to repair the injuries which his health has suffered, by change of climate, and the diet of the ships, and to recover that strength which incessant vigilance has worn away. When he is in expectation of being received by his family with those caresses, which the succours that he brings them naturally produce, and designs to rest a while from danger and from care. In the midst of these pleasing views, he is, on the sudden, seized by an impress, and forced into a repetition of all his miseries, without any interval of refreshment.

Let no man, who can think without compassion on such a scene as this, boast his zeal for freedom, his regard for bravery, or his gratitude to those who contribute to the wealth and power of their country; let every man who declares himself touched with the pity which the slightest reflection, upon such a disappointment, must naturally produce, sincerely endeavour to obviate the necessity of such oppressive measures, which may at least, in part, be prevented, by assigning to magistrates the power of hunting out of their retreats, those who neglect the business of their callings, and linger at once in laziness and want.

There are great numbers who retire not from weariness or idleness, but an unreasonable prepossession against the public service; and surely nothing is more unreasonable, than that bad dispositions should be gratified, and that industry should expose any man to penalties.

Upon the whole, Sir, I am not able to discover, that any man should be exempted from an impress, merely because he finds means to escape it, or because idleness or disinclination to the public service prompts him to abscond.

If any men deserve indulgence, in opposition to the demands of the public, they are rather those who have already in some degree discharged their duty to it, by contributing to bring in that wealth which is the consequence of a prosperous and well-regulated commerce, and without which war cannot be supported.

It is not without grief and regret, that I am obliged to represent on this occasion, the obstructions which the war has suffered from those at whose request it was undertaken; and to declare that the conduct of the merchants has afforded proof that some law of this tendency is absolutely necessary.

The merchants, Sir, who have so loudly complained of the decline of trade, the interruption of navigation, and the insolence, rapacity, and cruelty of the Spaniards: the merchants who filled the nation with representations of their hardships, discouragements, and miseries, and lamented in the most public manner, that they were the only body for whom the legislature had no regard, who were abandoned to the caprice of other nations, were plundered abroad, and neglected at home; the merchants, after having at length by their importunities engaged the state in a war, of which they have themselves certainly not the least pretensions to question either the justice or necessity, now, when, by the natural consequences of a naval armament, sailors become less numerous, and ships more difficult to be equipped, contract in private with such sailors as they are inclined to employ, and conceal them in garrets hired for that purpose, till the freight is ready, or the danger of an impress is past, and thus secure their own private affairs at the hazard of the public, and hinder the operations of a war, which they and they only solicited.

The danger of having other enemies than the Spaniards, enemies more active, more powerful, and more ambitious, has already been mentioned; a danger so near and so formidable, that he will not be thought very solicitous for his country whom the bare mention of it does not alarm. This danger we are therefore to obviate by vigorous preparations, and unanimous resolutions, nor do I doubt but both our enemies, if they find us united, will repent of attacking us.

Sir, the most efficacious method of manning our fleets, which law or custom has yet put into our hands, is that of suspending our commerce by an embargo, and yet the whole nation knows how much and by what means it has been eluded; no sooner was it known that an embargo was laid, than the sailors flew away into the country or hid themselves in corners of this great city, as from the most formidable danger; and no sooner did the embargo cease, than the banks of the rivers were again crowded with sailors, and all the trading vessels were immediately supplied.

As I cannot doubt, Sir, that every gentleman is equally zealous for the success

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of the war, and for the prosperity of his country; and as the insufficiency of the present methods of providing for them is apparent, I hope that either the regulations proposed by this Bill, to which I see no important objections, or some other of equal use, will be established by a general concurrence.

Lord *Baltimore:*

Sir; though no gentleman in this House can more ardently wish the success of the British arms, or shall more willingly concur in any measures that may promote it, yet I cannot agree to the clause now under our consideration. I disapprove it both from moral and political motives; I disapprove it as neither just nor prudent.

The injustice of so flagrant an invasion of the liberty of particular men has been already exposed; nor is it, in my opinion, less easy to discover the imprudence of exhausting all our supplies at once, and sweeping away all our sailors, to supply a single exigency.

It has often been remarked, Sir, in favour of a standing army, that it is requisite to have a number of regular forces, who, though too weak to oppose an invasion, might be able to establish discipline in a larger body. An observation which may with much greater justness, be applied to the seamen, whose art is much more difficult to be attained, and who are equally necessary in war and peace.

If our stock of seamen, Sir, be destroyed, if there is not left in our trading vessels a sufficient number of experienced artists to initiate novices, and propagate the profession, not only our ships of war must lie useless, but our commerce sink to nothing.

Nor have I reason to believe the naval power of France so formidable, as that we ought to be terrified, by the apprehensions of it, into any extraordinary methods of procedure. I am informed that they have now very few ships of force left in their harbours; and that they have exerted their whole strength in the American fleet.

I am not, therefore, Sir, for providing against present dangers, without regard to our future security; and think nothing more worthy of the consideration of this assembly, than the means of encouraging and increasing our seamen, which will not be effected by the Bill before us.

Land forces may be hired upon emergencies; but sailors are our own peculiar strength, and the growth of our own soil; we are therefore above all other regards to attend, if I may use the term, to the preservation of the species.

Mr. *Viner:*

Sir; as there can be no stronger objection to any law than ambiguity, or indeterminate latitude of meaning, I think it necessary to propose, that some word of known and limited import, be substituted in the place of sea-faring men; an expression which, if I was asked the meaning of it, I should find it difficult to explain.

Are sea-faring men those only who navigate in the sea? The term is then superfluous, for all such are evidently comprized in the word seamen. Are they bargemen or watermen who ply on rivers, and transport provision or commodities from one inland town to another? In that sense no body will affirm that it is a proper word; and improprieties in the expression of laws produce uncertainty in the execution of them.

Captain *Cornwall:*

Sir; the term Sea-faring men, of which an explication is desired, is intended to include all those who live by conveying goods or passengers upon the water, whether the sea or inland rivers: nor can we restrain it to a narrow sense, without exempting from the public service great numbers, whose manner of life has qualified them for it, and from whom their country may with equal justice expect assistance, as from those who are engaged in foreign traffic.

Mr. *Viner:*

Sir; I am far from concurring with the hon. gentleman in his opinion, that the inland watermen are, by their profession, in any degree qualified for sea-service, or can properly be called sea-faring men.

All qualifications for the service must consist either in some knowledge of the arts of navigation, or in some familiarity with the dangers of the sea. With regard to any previous knowledge of naval business, it is well known that they have no advantage over any common labourer; for the manner of navigating a ship and a barge have for the most part nothing in common.

Nor are these watermen, Sir, more able to stand firm in the terrors of the storm, or the noise of a battle, than those who follow any other occupation, many of them never saw the sea, nor have less



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dread of its danger than the other inhabitants of the inland countries. They are therefore neither sea-faring men, nor peculiarly capable of being made seamen.

But the hardship upon particular men is not the strongest objection to this clause, which, by obstructing our inland navigation, may make our rivers useless, and set the whole trade of the nation at a stand. For who will bring up his son a waterman, who knows him exposed by that profession to be impressed for a seaman?

It seems therefore necessary, Sir, either to omit the term 'sea-faring men,' or to explain it in such a manner that inland watermen may not be included.

Lord *Gage*:*

Sir; so much has been urged against the compulsive methods proposed in this clause, and so little produced in favour of them, that it may seem superfluous to add any thing, or to endeavour, by a multiplicity of arguments, to prove what common reason must immediately discover. But there is one consequence of this clause which has not yet been observed, and which is yet too important not to be obviated by a particular proviso.

It is well known, Sir, that many of those to whom this act will extend, are freeholders and voters for electing the representatives of the nation: and it is therefore apparent that elections may be influenced by an ill-timed or partial execution of it. How easy will it be when an election approaches to raise a false alarm, to propose some secret expedition, or threaten us with an invasion from some unknown country, and to seize on all the sea-faring

* The following report of Lord Gage's Speech, apparently from authority, was given in the London Magazine for July 1741.

*Lord Gage's Speech against the Seamens' Bill.*

I did not oppose the commitment of this Bill, because no one can be more desirous than myself, to have a Bill framed according to the title of it, which is, 'For the encouragement and encrease of Seamen, and for the better and speedier manning of his Majesty's fleet:' and therefore shall be for so much of it, as tends to that; or for any other clauses that may be offered for those purposes; and I think all encouragement ought to be given to so useful a body of people as our seamen are, and should be glad a method could be found out, for securing a certainty to the officers' widows, like that of the land officers; which I hope the gentlemen of the navy will think of; but I cannot be for the clause last read, as well as some others that are to follow it.

In the clause now before us it is said, that it shall and may be lawful, for the officers appointed to search for seamen, to enter into any house, out-house, or other place, where such officer or officers shall suspect any seamen or sea-faring men to be concealed; and if entrance be not readily admitted, then to force or cause to be forced open, the door or doors of any such house, out-house, or other place, in order to make such search. And for all these arbitrary proceedings, an information upon oath is not even required, but an officer's suspicion is sufficient.

This, Sir, if it should pass into a law, would be putting all seamen upon the footing of felons and slaves; and would be a sure way of driving every sailor out of the nation, as well as prevent the future increase of them; for no one would put out their children to an employment, that would subject them to pains and penalties during the whole course of their lives. For they would be liable to what no other of his Majesty's subjects as yet are, to be dragged out of their beds from their wives and families, and carried to what part of the world an officer pleases.

But besides this, who can be for a clause that subjects the whole nation as well as himself to the caprice and insolence of every little dirty officer, to have his house searched by him, by day or by night, or his doors broke open, upon an officer's suspecting, or being informed, there are any seamen or sea-faring men in his house: if this ever should be allowed, there is an end of the liberty of the subject, and of what every Englishman prides in, who can now say his house is his castle.

This clause, I must observe, does not only extend to seamen, but also to sea-faring men: now I should be glad to know, what is meant by sea-faring men, for I am afraid, under that denomination will be comprehended all those that work on our large navigable rivers; and if that be so, I do not know but before the next election I may lose twenty of my voters, and therefore I am the more obliged to prevent this passing into a law. Not that I am apprehensive that twenty voters more or less, will hinder my being chose again at Tewkesbury; but as they are part of my constituents, I am bound to serve them, and take care of their rights and privileges, and prevent, as far as in me lies, every thing that may tend to their prejudice.

I do not in the least doubt, if this Bill passes into a law, but that the minister will make fine advantages of it before the next general election.

I know, according to the rules of the House, I cannot properly take notice of any part of this Bill, but the clause before us; but to shew the impossibility of this Bill's passing, though this clause was agreed to, I beg leave to take notice of the two next. Who would consent to the first, where it is said, That if any seaman

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voters whose affections are suspected, and confine them at Spithead till the contest is over.

I cannot therefore, Sir, but think it necessary, that if this clause be suffered to pass, some part of its hateful consequences should be prevented by an exception in favour of freeholders and voters, which surely is no less than what every man owes to his own security, to the welfare of his country, and to those by whom he has been honoured with the care of their liberties.

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or sea-faring man, thus forced out of his house, and torn from his wife and family, shall desert or run away from his conductor, that such desertion or running away shall be judged felony, and by consequence the poor man be hanged?

Who can likewise agree to this other, where, if a poor old man and his wife should endeavour to harbour or conceal their son, whose labour, very likely, might be their only support, they should be punished and suffer a fine or imprisonment? And God knows how many innocent people might suffer through this clause, on pretence of their harbouring seamen. Any of us might perhaps be prosecuted for having some of our voters, that are seamen, lying a night or two in our houses.

If this clause passes, I should advise gentlemen at the next elections, not to put in practice, what many of us have often done with our doubtful voters; for the housing of them, (as it is called) if seamen are amongst them, may be of dangerous consequence.

Last year I was against a Bill for the Registering of Seamen, because it tended to enslave them;* but now I oppose this, because it would not only enslave them, but all the people of England, by taking from them one of their most valuable and inherent rights, the sanctuary of their houses.

I think, Sir, it would be useless to take up much more of your time, in speaking against a clause which no one can defend; nor can those who brought it in, give any other reason for having done it, but that there was such a law made during queen Anne's war, which is the strongest argument against it. For as that law was only made for one year, by way of trial, and was never afterwards renewed during the war, it is a certain proof that it was found at least ineffectual, if not detrimental. For all which reasons, I am heartily against this clause; and though it should be agreed, as I proposed the last debate, that all freeholders should be excepted out of this Bill, yet should it pass into a law, I solemnly declare, I will not obey it, and if as justice of the peace I should receive ever so many orders of council to put it in execution, I will not do it, but will evade putting it in force, by leaving the county.

* See Vol. 11, p. 421.

Mr. *Henry Pelham:*

Sir; I do not rise in opposition to the proposal made by that right hon. member, nor do I think this the proper time either for opposing or approving it. Method is of the highest importance in enquiries like these: and if the order of the debate be interrupted by foreign questions or incidental objections, no man will be able to consider the clauses before us with the attention necessary to his own satisfaction, or to the conviction of others; the mind will be dissipated by a multiplicity of views, and nothing can follow but perplexity and confusion.

The great end, Sir, for which we are now assembled, is to strike out methods of manning the fleet with expedition and certainty. It is therefore proper in the first place to agree upon some general measures, to each of which there may undoubtedly be particular objections raised, that may be afterwards removed by exceptions or provisions; but these provisions should, for the sake of order, be inserted in particular clauses, to be separately considered.

Of this kind is the exception now offered, to which I have no objection but its present impropriety, and the interruption of the debate which it may now occasion: for I see at present no reason against admitting it in a particular clause.

When it is considered how much the success of the war may depend upon the success of our present undertakings, I hope my solicitude for regularity and expedition will be easily excused.

Sir *John Hind Cotton:*

Sir; I am not able to discover any imminent danger to the nation in suspending our attention to the clause before us for a few moments; nor indeed do we cease to attend to it, while we are endeavouring to mollify it, and adapt it to our constitution.

The exception proposed is, in the opinion of the hon. gentleman, so reasonable, that he declares himself ready to approve it in another place; and to me, no place seems more proper of its making part of this Bill than this. As a connection between the clause and exception appears necessary and immediate, I cannot see why it should be postponed, unless it is hoped that it may be forgotten.

Mr. *Pulteney:*

Sir; that this exception should be for-

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gotten there is no danger; for how long soever it be delayed, I will never agree to the act till I see it inserted. If we suffer the liberty of the freeholders to be infringed, what can we expect but to be charged with betraying our trust, and giving up to servitude and oppression those who deputed us to this assembly, as the guardians of their privileges, and the assertors of their birthright; a charge too just to be denied, and too atrocious to be borne!

Sir, the right of a freeholder is independent on every other circumstance, and is neither made more or less by wealth or poverty: the estate, however small, which gives a right of voting, ought to exempt the owner from every restraint that may hinder the exertion of his right; a right on which our constitution is founded, and which cannot be taken away without subverting our whole establishment.

To overlook the distinctions which the fundamental laws of our country have made in respect to different orders of men, and to regard only the accidents of affluence and necessity, is surely unjust in itself, and unworthy of this assembly; an assembly, Sir, instituted principally to protect the weak against the strong, and deputed to represent those in a collective state, who are not considerable enough to appear singly, and claim a voice in the legislature.

To expose an honest, a laborious, and an useful man, to be seized by the hands of an insolent officer, and dragged from the enjoyment of his right, only because he will not violate his conscience, and add his voice to those of sycophants, dependants and prostitutes, the slaves of power, the drudges of a court, and the hirelings of a faction, is the highest degree of injustice and cruelty. Let us rather, Sir, sweep away with an impress, the drones of large fortunes, the tyrants of villages, and the oppressors of the poor; let us oblige those to serve their country by force, whose fortunes have had no other effect than to make them insolent and worthless; but let such who by contributing to commerce, make every day some addition to the public wealth, be left in the full enjoyment of the rights which they deserve: let those by whose labour the expences of the war are furnished, be excused from contributing to it by personal service.

If it is necessary, Sir, to have our laws established by the representatives of the people, it is necessary that those representatives should be freely elected; and therefore every law that obstructs the liberty of voters, is contrary to the fundamental laws of our constitution; and what multitudes may by this law be either hindered from giving their votes, or be terrified into such a choice as by no means corresponds with their judgments or inclinations, it is easy to foresee.

I am indeed of opinion, Sir, that this clause cannot be adapted to our constitution, nor modified by any expedient into a law, which will not lay insupportable hardships upon the nation, and make way for absolute power. But, as it is necessary that a constant supply of seamen should be provided, I think it not improper to observe, that there is one expedient yet remaining, by which, though it will not much assist us in our present exigence, the fleets of this nation may hereafter be constantly supported.

We have at present great numbers of charity-schools established in this nation, where the children of the poor receive an education disproportioned to their birth. This has often no other consequences than to make them unfit for their stations by placing them, in their own opinion, above the drudgery of daily labour, a notion which is too much indulged; as idleness co-operating with vanity, can hardly fail to gain the ascendant, and which sometimes prompts them to support themselves by practices not only useless but pernicious to society. This evil, Sir, cannot be better obviated than by allotting a reasonable proportion out of every school to the service of the sea, in which by entering early they cannot fail to become proficients, and where their attainments, which at present too frequently produce laziness and dishonesty, might enable them to excel, and entitle them to promotion.

Mr. *Winnington:*

Sir; notwithstanding the confidence with which some gentlemen have proposed this amendment, and the easiness with which others have consented to it, I declare without hesitation, that I oppose it now, and intend to oppose it whenever it shall be offered, because it will defeat all the other provisions which shall be made in the Bill.

I will venture to say, Sir, that if every man who has, by whatever tenure, the right of voting, shall be exempted from the necessity of contributing to the public safety by his personal service, every man qualified for the sea will by some means acquire a vote.



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Sir, a very small part of those who give their votes in this nation, enjoy that right as the appendage of a freehold; to live in some towns, and to be born only in others, gives the unalienable privilege of voting. Any gentleman to secure his own interest, or obstruct the public service, may, by dividing a small piece of barren ground among a hundred sailors, exalt them all to freeholders, and exempt them from the influence of this law.

However, Sir, I am not less a friend to the freeholders, than those who propose the exception in their favour, but in my opinion the great interest of the freeholders is the preservation of their freeholds, which can only be secured by a vigorous exertion of the power of the nation, in the war which is now declared against the Spaniards.

Lord *Barrington:*

Sir; by the observations which I have opportunities of making at the place which I have the honour to represent, I am convinced of the influence that this law will have upon all the boroughs along the coasts. There most of the voters are, in one sense or other, sea-faring men, being almost all of them owners of vessels, and in some degree acquainted with navigation; they may therefore be hurried away at the choice of an officious or oppressive magistrate, who may, by partiality and injustice, obtain a majority, contrary to the general inclination of the people, and determine the election by his own authority.

Sir *William Yonge:*

Sir; if every freeholder and voter is to be exempted from the influence of the law, the Bill that we are, with so much ardour, endeavouring to draw up and rectify, and of which the necessity is so generally acknowledged, will be no other than an empty sound, and a determination without an object; for while we are empowering the government to call seamen into the service, we are exempting almost all that are able to serve from the denomination of seamen: What is this but to dispute without a subject? to raise with one hand and demolish with the other?

In the western parts of the nation, Sir, where I reside, many who vote at elections claim their privilege by no other title than that of boiling a pot; a title which he who has it not, may easily obtain, when it will either gratify his laziness or his cowardice, and which, though not occasionally obtained, seems not sufficient to set any man out of the reach of a just and necessary law.

It is therefore, Sir, undoubtedly requisite that the terms of the exception should be explicit and definitive, and that only those should be exempted who have such possessions or qualifications as this assembly shall think a just title to exemption. For on the western coast, from whence great supplies may be expected, almost every sailor has a vote, to which nothing is there required but to hire a lodging and boil a pot; after which, if this exception be admitted in all its latitude, he may sit at ease amidst the distresses of his country, ridicule the law which he has eluded, and set the magistrate at open defiance.

Sir *Robert Walpole:*

Sir; as I think some exception may be just and proper, so I suppose every gentleman will concur with me in rejecting one of such extent as shall leave no object for the operation of the law.

It is in my opinion proper to restrain the exemption to those freeholders who are possest of such an estate, as gives a vote for the representative of the county, by which those whose privilege arises from their property, will be secured, and it seems reasonable that those who have privileges without property, should purchase them by their services.

Mr. *Brown:*

Sir; the exception proposed will not only defeat the end of the Bill by leaving it few objects, but will obstruct the execution of it on proper occasions, and involve the magistrate in difficulties which will either intimidate him in the exertion of his authority, or if he persists in discharging his duty with firmness and spirit, will perhaps oblige him sometimes to repent of his fidelity.

It is the necessary consequence, Sir, of a seaman's profession, that he is often at a great distance from the place of his legal settlement, or patrimonial possessions; and he may therefore assert of his own circumstances what is most convenient without danger of detection. Distance is a security that prompts many men to falshood by which only vanity is gratified, and few men will tell truth in opposition to their interest, when they may lie without apprehension of being convicted.

When therefore a magistrate receives directions to impress all the seamen within his district, how few will he find who will

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not declare themselves freeholders in some distant country, or freemen of some obscure borough. It is to no purpose, Sir, that the magistrate disbelieves what we cannot confute; and if in one instance in a hundred, he should be mistaken, and, acting in consequence of his error, force a freeman into the service, what reparation may not be demanded?

I therefore propose it to the consideration of the committee, whether any men ought to claim exemption from this law by a title, that may so readily be procured, or so safely usurped.

Mr. Attorney General *Ryder:*

Sir; the practice of impressing, which has been declaimed against with such vehement exaggerations, is not only founded on immemorial custom, which makes it part of the common law, but is likewise established by our statutes; for I remember to have found it in the statutes of queen Mary, and therefore cannot allow that it ought to be treated as illegal, and anti-constitutional.

That it is not inconsistent with our constitution, may be proved from the practice of erecting the royal standard, upon great emergencies, to which every man was obliged immediately to repair: this practice is as old as our constitution, and, as it may be revived at pleasure, may be properly mentioned as equivalent to an impress.

Mr. *Viner:*

Sir; this word, which the learned member has, by his wonderful diligence, discovered in the statutes, may perhaps be there, but in a signification far different from that which it bears at present. The word is, without doubt, originally French, prêt, and implied what is now expressed by the term 'ready;' and to impress any man was in those days only to make him ready, or engage him to hold himself in readiness, which was brought about not by compulsion, pursuit, and violence, but by the allurements of a pecuniary reward, or by the obligation of some ancient tenure.

This debate ended in a report, That the committee had made some progress, and desired leave to sit again.

March 5. Received a Petition of divers merchants, exporters of the woollen and British manufactories and fisheries; as likewise owners and masters of ships concerned in the navigation of these ships to foreign parts; also those concerned in the coal and coasting trade, in behalf of themselves and others, "complaining of the unreasonable wages demanded, and paid to mariners in the merchants' service of late, which is more than double of what is paid by any foreign nation in Europe, (besides crimpage, and a month's pay advanced to each mariner) to the discouragement of the trade of these kingdoms: and representing to the House, that this growing evil, if not prevented by a law, will hinder the mariners from ever entering themselves on board the ships of war, while the disproportion of wages paid to mariners in the king's service, and that of the merchant is so great; the wages paid to mariners in the king's service being about 23*s.* and with other advantages about 28*s.* per month, when the mariners in the merchant's service are paid, and demand 55*s.* and 3*l.* per month: and further representing, that as the Petitioners apprehend the present practice carried on in impressing mariners from on board the homeward-bound merchant-ships, and from the shore, does not answer the end proposed; and that a great many persons make it their business to seduce and encourage mariners to act contrary to the intent of an act 1st of king George 2, for the better regulation of mariners in the merchants' service: and further, complaining of vexatious suits carried on against the masters and owners of ships, by the advice of practitioners in the high court of admiralty: and further setting forth, that the act of navigation obliges every ship to carry three fourths English mariners, which will be again in force when the present war is over; but that as they often in foreign ports enter, or are entered on board his majesty's ships, it is impossible to comply with the said act, and the merchant-ships are liable to become a seizure even to the very man of war who has taken their men from them: And therefore praying the House to permit them to be heard by themselves or counsel upon the said Petition; and to grant that such provision may be made in future, by regulating the price of mariners' wages in the merchants' service, and to prevent such growing abuses practised by those under the sanction of the high court of admiralty, in order effectually to man his majesty's ships of war without impressing, and to encourage the trade and navigation of these kingdoms, as to the House shall seem meet." Ordered to lie on the table.

March 9. In a grand Committee, on

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the said Bill, a Clause was read, by which every constable, headborough, tythingman, or other person, was liable to be examined upon oath by the justices of the peace, who were empowered to lay a fine upon them for any neglect, offence, or connivance; after which

Sir *John Barnard* rose and said:

Sir; it is the peculiar happiness of the British nation, that no law can be made without the consent of their representatives; and I hope no such infatuation can ever fall upon them, as may influence them to chuse a representative capable of concurring in absurdities like this.

The folly, the iniquity, the stupidity of this clause, can only be conceived by hearing it repeated; it is too flagrant to be extenuated, and too gross to admit exaggerations; to oblige a man to make oath against himself, to subject himself by his own voice to penalties and hardships, is at once cruel and ridiculous; a wild complication of tyranny and folly.

To call upon any man to accuse himself, is only to call upon him to commit perjury, and has therefore been always accounted irrational and wicked; in those countries where it is practised, the confession is extorted by the rack, which indeed is so necessary on such occasions, that I should not wonder to hear the promoters of this clause openly declaring for the expediency of tortures.

Nothing is more evident than that this Bill, however the importance of the occasion may be magnified, was drawn up without reflection, and that the clauses were never understood by those that offered them; errors like these must arise only from precipitation and neglect, for they are too gross to be committed either by ignorance or design.

To expose such absurdities is indeed easy, but not pleasing; for what end is answered by pointing at folly, or how is the public service advanced by shewing that the methods proposed are totally to be rejected? Where a proposition is of a mixed kind, and only erroneous in part, it is an useful and no disagreeble task to separate truth from error, and disentangle from ill consequences, such measures as may be pursued with advantage to the public; but mere stupidity can only produce compassion, and afford no opportunities for enquiry or dispute.

Sir *Charles Wager*:

Sir; this clause, however contemptuously treated, has been already passed into a law by a parliament which brought no dishonour upon the British nation, by a parliament which was courted and dreaded by the greatest part of the universe, and was drawn up by a ministry that have given their posterity no reason to treat them with derision and contumely.

In the reign of queen Anne, this method of proceeding was approved and established, and we may judge of the propriety of the measures followed in that war, by the success which they procured.

Those therefore by whom this Bill was drawn up have committed no new absurdities, nor have proposed any thing which was not enacted by the wisest of our predecessors, in one of the most illustrious periods of our history.

Mr. *Gybbon*:

Sir; I am far from thinking a proposition sufficiently defended by an assertion that it was admitted by our predecessors, for though I have no inclination to vilify their memory, I may, without scruple, affirm that they had no pretensions to infallibility, and that there are in many of our statutes instances of such ignorance, credulity, weakness, and error, as cannot be considered without astonishment.

In questions of an abstruse and complicated nature, it is certain, Sir, that experience has taught us what could never have been discovered, previously, by the wisdom of our ancestors; and we have found by their consequences the impropriety of many practices which they approved, and which we should have equally applauded in the same circumstances.

But to what purpose is observation, if we must shut our eyes against it, and appeal for ever to the wisdom of our ancestors? If we must fall into error, merely because they were mistaken, and rush upon rocks out of veneration to those who were wrecked against them?

In questions easily to be examined, and determinations which comprized no perplexing contrarieties of interest, or multiplicity of circumstances, they were equally liable with ourselves to be supine and negligent, to sink into security, or be surprized by haste. That the clause now before us was enacted by them, must be ascribed merely to the hurry of the session in which it was brought before them. A time in which so many enquiries of the highest importance were to be made, and so great a diversity of views to be regarded, that

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it is no wonder that some absurdities should escape without detection.

In the 4th of the reign of the queen, this Bill was brought in, as now, at the latter end of a session, when the attention of the House was fatigued and distracted, and it was hurried through both Houses, and ratified by her majesty with very little consideration.

But then, as this circumstance may be justly termed an extenuation of their error, it ought to be a lesson of caution to us, that we may not be, in the like manner, betrayed into the same weakness.

Mr. *Henry Pelham:*

Sir; the conduct of our predecessors seems not to stand in need of any excuse; for it might be easy to vindicate it by arguments, but that it is more proper to approve it by imitation.

Whenever the Bill was passed, or how hastily soever the law was enacted, it was, I believe, rather the effect of necessity than of inadvertency; of the same necessity which now presses, and which is very ill consulted by tedious debates.

They were then involved in a war, and were not so distracted by private interests as not to unite in the most vigorous opposition of their enemies. They knew that the public good is often promoted by the temporary inconveniencies of individuals; and, when affairs of the highest importance demanded their attention, when the security of the whole nation and the happiness of their posterity were the subject of their enquiries, they wisely suffered less considerations to pass without superfluous and unseasonable solicitude.

How justly they reasoned, Sir, and what vigour their resolutions gave to the military operations, our victories are a sufficient proof; and if experience be the surest guide, it cannot be improper to imitate those who, in the same circumstances with ourselves, found means to raise the honour, and improve the commerce of their country.

That our circumstances are the same with those of the parliament by which this law was made, is obvious beyond dispute; or where they vary, the difference is perhaps to our disadvantage. We have, Sir, the same enemies, or, at least, have reason to apprehend the same; but have little hope of the same allies. The present war is to be carried on at a greater distance, and in more places at the same instant; we cannot therefore supply our ships occasionally, but must raise great numbers in a short time.

If therefore it was then concluded, that the method under our examination was useful; if measures, not eligible in themselves, may be authorized by necessity, why may not we, in compliance with the same exigence, have recourse to the same expedients?

Sir *William Yonge:*

Sir; how much weight is added to the determination of the House, by the dignity of their procedure, and the decency of their disputations, a slight knowledge of mankind is sufficient to evince. It is well known that government is supported by opinion; and that he who destroys the reputation, destroys the authority of the legislative power. Nor is it less apparent, that he who degrades debate into scurrility, and destroys the solemnity of consultation, endeavours to sink the House into contempt.

It was therefore, Sir, with indignation and surprize that I heard the clause before us censured with such indecency of language, and the authors of it treated with contumelies and reproaches that mere error does not deserve, however apparent, but which were now vented before any error was detected.

I know not, Sir, why the gentlemen who were thus indecently attacked, have suffered such reproaches without censure and without reply. I know not why they have omitted to put the hon. gentleman in mind of the respect due to this assembly, or to the characters of those whom he opposes; gentlemen equally skilled with himself in the subject of our enquiries; and whom his own attainments, however large, or his abilities, however comprehensive, cannot give him a right to charge with ignorance or folly.

To reproach men with incapacity is a cheap method of answering their arguments, but a method which the rules of this House ought to exclude from our debates, as the general civility of the world has banished it from every other place of concourse or conversation.

I, for my part, Sir, shall always endeavour to confine my attention to the question before us, without suffering my reason to be biassed, or my enquiries diverted by low altercations, or personal animosities; nor when any other man deviates into reproachful and contemptuous language, shall I be induced to think more

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highly of either his arguments or capacity.

Sir *John Barnard:*

Sir; I have always heard it represented as an instance of integrity when the tongue and heart move in concert, when the words are representations of the sentiments; and have therefore hitherto endeavoured to explain my arguments with perspicuity, and to impress my sentiments with force; I have thought it hypocrisy to treat stupidity with reverence, or to honour nonsense with the ceremony of a confutation. As knavery, so folly that is not reclaimable, is to be speedily dispatched, business is to be freed from obstruction, and society from nuisance.

Nor, Sir, when I am censured by those whom I may offend by the use of terms correspondent with my ideas, will I, by a tame and silent submission, give reason to suspect that I am conscious of a fault, but will treat the accusation with open contempt, and shew no greater regard to the abettors, than to the authors of absurdity.

That decency is of great use in public debates, I shall readily allow; it may sometimes shelter folly from ridicule, and preserve villainy from public detection; nor is it ever more carefully supported, than when measures are promoted that nothing can preserve from contempt, but the solemnity with which they are established.

Decency is a proper circumstance; but liberty is the essence of parliamentary disquisitions: liberty is the parent of truth; but truth and decency are sometimes at variance: all men and all propositions are to be treated here as they deserve; and there are many who have no claim either to respect or decency.

Mr. *Winnington:*

Sir; that it is improper in its own nature, and inconsistent with our constitution, to lay any man under an obligation to accuse himself cannot be denied; it is therefore evident, that some amendment is necessary to the clause before us.

I have for this reason drawn up an amendment, Sir, which, if approved by the committee, will in my opinion remove all the objections to this part of the Bill, and by reconciling it with our natural and legal rights, I hope, induce those to approve it who have hitherto opposed it.

I therefore propose that these words should be substituted instead of those which are the subject of the debate, or some other to this purpose; That no person shall be liable to be fined by virtue of this act, unless a witness being examined, shall make oath of the misdemeanor or neglect.

Thus the necessity of examining men upon oath in their own cause will be entirely taken away, and as the clause will then stand, there will remain no suspicion of injustice or oppression, because none can be practised without the concurrence of many persons of different interests.

Mr. *Horatio Walpole:*

Sir; it does not yet appear that the gentlemen who have engaged in this debate have sufficiently attended to the exigence of our affairs, and the importance of the question. They have lavished their oratory in declaiming upon the absurdity of the methods proposed, and discovered their sagacity, by shewing how future navies may be supplied from charity-schools, but have substituted no expedients in the place of those which they so warmly condemn, nor have condescended to inform us, how we may now guard our coasts, or man our fleets for immediate service.

There are some circumstances, Sir, of the present war, which make our necessity of raising sea forces greater than in the times of king William and queen Anne. The chief advantages that we gained over the French in their wars, were the consequences of our victories by land.

At sea, Sir, the balance was almost equal, though the Dutch fleet and ours were united; nor did they quit the sea because their fleets were destroyed, but because they were obliged to recruit their land forces with their sailors. Should they now declare war against us, they would be under no such necessity of defrauding the sea service, for they have now on foot an army of 160,000 men, which are maintained at no greater expence than 40,000 by the British government; as they are therefore, Sir, so formidable by land, we have no way of opposing them but by our sea forces.

Nor is their navy so contemptible as some have either by conjecture or misinformation represented it. The fleet which they have dispatched to America consists not of fewer than twenty ships, of which the least carry sixty guns, and they are fitting out now an equal number in their own ports; besides, their East India com-

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pany is obliged to furnish ten ships of the line, at the demand of the government.

Thus it appears we have neighbours sufficiently powerful to alarm us with the sense of immediate danger; danger which is made more imminent by the expeditious methods by which the French man their fleets, and which we must imitate if we hope to oppose them with success.

I need not say how little we can depend upon any professions of neutrality, which will be best observed when they cannot be securely violated; or upon the pacific inclination of their minister; which interest, persuasion or caprice, may alter, and to which it is not very honourable to trust for safety. How can that nation sink lower, which is only free, because it is not invaded by its neighbours; and retains its possessions, only because no other has leisure or inclination to take them away!

If it be asked what can prompt the French to interrupt us in the prosecution of our designs, and in the punishment of those who have plundered and insulted us? It is not only easy to urge the strict alliance between the two crowns, the ties of blood, the conformity of interests, and their equal hatred of the English, but another more immediate reason may be added. It is suspected that under pretence of vindicating our own rights, we are endeavouring to gain the possession of the Spanish dominions, and engross the wealth of the new world, and that therefore it is the interest of every power, whose subjects traffic to those countries, to oppose us.

Thus, whether we succeed or fail in our attempts on America, we have the French power to apprehend. If we make conquests, they may probably think it necessary to obviate the torrent of our victories, and to hinder the increase of our dominions, that they may secure their own trade, and maintain their own influence.

If we should be defeated, of which no man, Sir, can deny the possibility, the inclination of all to insult the depressed, and to push down the falling is well known; nor can it be expected that our hereditary enemies would neglect so fair an opportunity of attacking us.

How they might ravage our coasts, and obstruct our trade, how they might triumph in the channel, and block us up in our own ports, bombard our towns, and threaten us with invasions, I hope I need but barely mention, to incite this assembly to such dispatch in manning our fleets, as may secure us at once from insults, and from terror.

It is undoubtedly, Sir, in our power to raise a naval force sufficient to awe the ocean, and restrain the most daring of our enemies from any attempts against us, but this cannot be effected by harangues, objections, and disputations.

There is nothing, Sir, more frequently the subject of raillery or declamation, than the usefulness or danger of a standing army, to which I declare myself no otherwise inclined than by my concern for the common safety; I willingly allow that not one soldier ought to be supported by the public, whose service is not necessary; but surely none of those who declare so warmly for the honour and privileges of their country, would expose it to the insults of foreign powers without defence. If therefore they think the danger of land-forces more than equivalent to the benefit, they ought unanimously to concur in the increase of our naval strength, by which they may be protected, but cannot be oppressed; they ought willingly to give their assistance to any propositions for making the fleet formidable, that their declarations against the army may not be thought to proceed from a resolution to obstruct the measures of the government, rather than from zeal for the constitution. For he that equally opposes the establishment of the army, and the improvement of the navy, declares in effect against the security of the nation; and though, perhaps, without design, exposes his countrymen to the mercy of their enemies.

Mr. *Pulteney*:

Sir; I cannot discover for what reason the Bill before us is so vigorously supported, but must observe that I have seldom known such vehement and continued efforts produced by mere public spirit, and unmingled regard for the happiness of the nation. Nothing, Sir, that can be urged in favour of the measures now proposed, has been omitted. When arguments are confuted, precedents are cited; when precedents fail, the advocates for the Bill have recourse to terror and necessity, and endeavour to frighten those whom they cannot convince.

But perhaps, Sir, these formidable phantoms may soon be put to flight, and, like the other illusions of cowardice, disappear before the light. Perhaps this necessity will be found only chimerical; and these dangers appear only the visions of credulity, or the bugbears of imposture.

To arrive at a clear view of our present

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condition, it will be necessary, Sir, not to amuse ourselves with general assertions, or overwhelm our reason by terrifying exaggerations: let us consider distinctly the power and the conduct of our enemies, and enquire whether they do not affright us more than they are able to hurt us.

That the force of Spain, alone, Sir, is much to be dreaded, no man will assert; for that empire, it is well known, has long been seized with all the symptoms of declining power, and has been supported, not by its own strength, but by the interests of its neighbours. The vast dominions of the Spaniards are only an empty shew; they are lands without inhabitants, and by consequence without defence; they are rather excrescences than members of the monarchy, and receive support rather than communicate. In the distant branches of their empire the government languishes, as the vital motion in an expiring body; and the struggles, which they now make, may be termed rather agonies than efforts.

From Spain therefore unassisted, we have nothing to apprehend, and yet from thence we have been threatened with insults and invasions.

That the condition of the French is far different, cannot be denied; their commerce flourishes, their dominions are connected, their wealth increases, and their government operates with full vigour: their influence is great, and their names formidable. But I cannot allow, Sir, that they have yet attained such a height of power as should alarm us with constant apprehensions; or that we ought to secure ourselves against them by the violation of our liberties. Not to urge that the loss of freedom, and the destruction of our constitution, are the worst consequences that can be apprehended from a conquest; and that to a slave the change of his master is of no great importance, it is evident, that the power of the French is of such kind as can only affect us remotely, and consequentially. They may fill the continent with alarms, and ravage the territories of Germany by their numerous armies, but can only injure us by means of their fleets. We may wait, Sir, without a panic terror, though not without some degree of anxiety, the event of their attempts upon the neighbouring princes, and cannot be reduced to fight for our altars and our houses, but by a second armada, which, even then, the winds must favour, and a thousand circumstances concur to expedite.

But that no such fleet can be fitted out by the united endeavours of the whole world; that our navy, in its present state, is superior to any that can be brought against us, our ministers ought not to be ignorant: and therefore to dispirit the nation with apprehensions of armies hovering in the air, and of conquerors to be wafted over by super-natural means, is to destroy that happiness which government was ordained to preserve; to sink us to tameness and cowardice, and to betray us to insults and to robberies.

If our danger, Sir, be such as has been represented, to whom must we impute it? Upon whom are our weakness, our poverty, and our miseries to be charged? Upon whom, but those who have usurped the direction of affairs which they did not understand, or which their solicitude for the preservation of their own power hindered them from attending?

That the Spaniards, Sir, are now enabled to make resistance, and perhaps to insult and depopulate our colonies; that the French have dispatched a fleet into the American seas, to obstruct, as may be conjectured, the progress of our arms, and that we are in danger of meeting an opposition which we did not expect, is too evident to be concealed.

But, Sir, is not the spirit of our enemies the consequence rather of our cowardice than of their own strength? Does not the opposition to our designs, by whatever nation it shall be made, arise from the contempt which has been brought upon us by our irresolution, forbearance, and delays? Had we resented the first insult, and repaired our earliest losses by vigorous reprizals, our merchants had long ago carried on their traffic with security, our enemies would have courted us with respect, and our allies supported us with confidence.

Our negociations, treaties, proposals, and concessions, not only afforded them leisure to collect their forces, equip their fleets, and fortify their coasts, but gave them likewise spirit to resist those who could not be conquered but by their own cowardice and folly. By our ill-timed patience, and lingering preparations, we encouraged those to unite against us, who would otherwise have only hated us in secret; and deterred those from declaring in our favour, whom interest or gratitude might have inclined to assist us. For who will support those from whom no mutual support can be expected? And who will expect that those will defend their allies, who desert themselves?

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But, Sir, however late our resentment was awakened, had the war been prosecuted vigorously after it was declared, we might have been now secure from danger, and freed from suspense, nor would any thing have remained but to give laws to our enemies.

From the success of Vernon, with so inconsiderable forces, we may conjecture what would have been performed with an armament proportioned to his undertaking; and why he was not better supplied, no reason has yet been given; nor can it be easily discovered why we either did not begin the war before our enemies had concerted their measures, or delay it till we had formed our own.

Notwithstanding some opportunities have been neglected, and all the advantages of a sudden attack have been irrecoverably lost; notwithstanding our friends, Sir, have learned to despise and neglect us, and our enemies are animated to confidence and obstinacy, yet our real and intrinsic strength continues the same; nor are there yet any preparations made against us by the enemy, with views beyond their own security and defence. It does not yet appear, Sir, that our enemies, however insolent, look upon us as the proper objects of a conquest, or that they imagine it possible to besiege us in our own ports, or to confine us to the defence of our own country. We are not therefore to have recourse to measures, which, if they are ever to be admitted, can be justified by the utmost distress; and can only become proper, as the last and desperate expedient. The enemy, Sir, ought to appear not only in our seas, but in our ports, before it can be necessary that one part of the nation should be enslaved for the preservation of the rest.

To destroy any part of the community, while it is in our power to preserve the whole, is certainly absurd, and inconsistent with the equity and tenderness of a good government: and what is slavery less than destruction? What greater calamity has that man to expect, who has been already deprived of his liberty, and reduced to the level with thieves and murderers? With what spirit, Sir, will he draw his sword upon his invaders, who has nothing to defend? Or why should he repel the injuries which will make no addition to his misery, and will fall only on those to whom he is enslaved?

It is well known that gratitude is the foundation of our duty to our country, and to our superiors, whom we are obliged to protect on some occasions, because upon others we receive protection from them, and are maintained in the quiet possession of our fortunes, and the security of our lives. But what gratitude is due to his country from a man distinguished without a crime by the legislature, from the rest of the people, and marked out for hardships and oppressions? From a man who is condemned to labour and to danger, only that others may fatten with indolence, and slumber without anxiety? From a man who is dragged to misery without reward, and hunted from his retreat, as the property of his master?

Where gratitude, Sir, is not the motive of action, which may easily happen in minds not accustomed to observe the ends of government and relations of society, interest never fails to preside, which may be distinguished from gratitude, as it regards the immediate consequences of actions, and confines the view of present advantages. But what interest can be gratified by a man who is not master of his own actions, nor secure in the enjoyment of his acquisitions? Why should he be solicitous to increase his property, who may be torn from the possession of it in a moment? Or upon what motive can he act, who will not become more happy by doing his duty?

Many of those, to whom this Bill is proposed to extend, have raised fortunes at the expence of their ease, and at the hazard of their lives; and now sit at rest, enjoying the memory of their past hardships, and inciting others to the prosecution of the same adventures: how will it be more reasonable to drag these men from their houses, than to seize any other gentleman upon his own estate? And how negligently will our navigation and our commerce be promoted, when it is discovered that either wealth cannot be gained by them; or, if so gained, cannot be enjoyed?

But it is still urged, Sir, that there is a necessity of manning the fleet; a necessity which indeed cannot totally be denied, though a short delay would produce no frightful consequences, would expose us to no invasions, nor disable us from prosecuting the war. Yet as the necessity at least deserves the regard of the legislature, let us consider what motives have hitherto gained men over to the public service; let us examine how our land-forces are raised, and how our merchants equip their



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ships. How is all this effected without murmurs, mutinies, or discontent, but by the natural and easy method of offering rewards?

It may be objected, Sir, that rewards have been already proposed without effect; but, not to mention the corrupt arts which have been made use of to elude that promise, by rejecting those that came to claim them, we can infer from their inefficacy only, that they were too small; that they were not sufficient to dazzle the attention, and withdraw it from the prospect of the distant advantages which may arise from the service of the merchants. Let the reward therefore be doubled, and if it be not then sufficient, doubled anew. There is nothing but may be bought, if an adequate price is offered; and we are therefore to raise the reward till it shall be adjudged by the sailors equivalent to the inconveniencies of the service.

Let no man urge that this is profusion; that it is a breach of trust, and a prodigality of the public money. Sir, the money thus paid is the price of liberty; it is disbursed to hinder slavery from encroaching; to preserve our natural rights from infraction, and the constitution of our country from violence. If we vote away the privilege of one class among us, those of another may quickly be demanded; and slavery will advance by degrees, till the last remains of freedom shall be lost.

But perhaps, Sir, it will appear, upon reflection, that even this method needs not to be practised. It is well known, that it is not necessary for the whole crew of a ship to be expert sailors; there must be some novices, and many whose employment has more of labour than of art. We have now a numerous army which burthens our country, without defending it, and from whom we may therefore draw supplies for the fleet, and distribute them amongst the ships in just proportions; they may immediately assist the seamen, and will become able in a short time to train up others.

It will doubtless, Sir, be objected to this proposal, that the continent is in confusion, and that we ought to continue such a force as may enable us to assist our allies, maintain our influence, and turn the scale of affairs in the neighbouring countries. I know not how we are indebted to our allies, or by what ties we are obliged to assist those who never assisted us; nor can I, upon mature consideration, think it necessary to be always gazing on the continent, watching the motions of every potentate, and anxiously attentive to every revolution. There is no end, Sir, of obviating contingencies, of attempting to secure ourselves from every possibility of danger. I am indeed desirous that our friends, if any there be that deserve that name, should succeed in their designs, and be protected in their claims; but think it ought always to be remembered, that our own affairs affect us immediately, theirs only by consequence; and that the nearest danger is to be first regarded.

With respect to the amendment offered to this clause, I cannot see that it will produce any advantage, nor think any evidence sufficient to justify the breach of our constitution, or subject any man to the hardship of having his dwelling entered by force.

And, Sir, I am not entirely satisfied of the impartiality and equity with which it is promised that this law will be put in execution, or what new influence is to cooperate with this law, by which corruption and oppression will be prevented.

It is well known, Sir, that many other laws are made ineffectual by partiality or negligence, which remarkably appears by the immense quantities of corn that are daily carried into foreign countries, by illegal exportations, by which traffic I am informed that we obtain most of our foreign gold, which in reality is paid us for corn by the Dutch; though it is studiously represented to the nation as gained by our traffic with Portugal, who can assure us that this law will not be perverted after the example of others? And that there will not be wretches found that may employ it to the extortion of money, or the gratification of revenge?

Thus, Sir, I have shewn by what means our fleet may now be equipped, and how a supply of sailors may be perpetuated; for I cannot think how the boys which are educated at charity-schools can be more properly employed; a proportion may be easily selected for the service, who will benefit the public much more than by serving sharpers and attornies, and pilfering either at low gaming houses, or in the inns of court.

Since therefore is it not pretended, Sir, that this Bill can be justified otherwise than by necessity, and it appears that supplies may be raised by other means; since instead of increasing and encouraging seamen, nothing is proposed that does not manifestly tend by depressing and har-



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rassing them, to diminish their numbers; I think it reasonable to declare that I shall continue to oppose it, and hope that every friend of liberty, or commerce, will concur in the opposition.

Sir *Robert Walpole:*

Sir; I have considered the bill before us with the utmost impartiality, and I can see no reason to apprehend that it will produce such universal discontent, and give occasion to so many abuses as the hon. gentlemen by whom it is opposed appear to suspect. It is not uncommon, Sir, in judging of future events, and tracing effects from causes, for the most sagacious to be mistaken.

The safest method of conjecturing upon the future, is to consider the past, for it is always probable, that from like causes like consequences will arise. Let us therefore, Sir, examine what injustice or oppression has been hitherto produced by laws of the same kind.

The power of searching, however it is now become the subject of loud exclamation, and pathetic harangues, is no new invasion of the rights of the people, but has been already granted in its utmost extent, for an end of no greater importance than the preservation of the game: this formidable authority has been already trusted to the magistrate, and the nation has been already subjected to this insupportable tyranny, only lest the hares and partridges should be destroyed, and gentlemen be obliged to disband their hounds, and dismiss their setting-dogs.

Yet, Sir, even with regard to this power, thus exorbitant, and thus lightly granted, I have heard no general complaints, nor believe that it is looked upon as a grievance by any, but those whom it restrains from living upon the game, and condemns to maintain themselves by a more honest and useful industry.

I hope, Sir, those that think this law for the preservation of their amusement rational and just, will have at least the same regard to the defence of their country, and will not think their venison deserves greater solicitude, than their fortunes and their liberties.

Nor is it difficult, Sir, to produce instances of the exercise of this power for the end which is now proposed, without any consequences that should discourage us from repeating the experiment. I have now in my hand a letter, by which the mayor and aldermen of Bristol are empowered to seize all the sailors within the bounds of their jurisdiction, which order was executed, without any outcries of oppression, or apprehensions of the approach of slavery.

That this law, Sir, will be always executed with the strictest impartiality, and without the least regard to any private purposes, cannot indeed be demonstratively proved; every law may possibly be abused by a combination of profligates, but it must, I think, be granted, that it is drawn up with all the caution that reason, or justice, or the corruption of the present age requires. I know not what can be contrived better than an association of men unlikely to concur in their views and interests. A justice of the peace, a lieutenant of a ship, and a commissioner of the navy, three men probably unknown to each other, and of which no one will be at all solicitous to desire the rest to unite, to commit a crime to which no temptation can be readily imagined.

This caution, Sir, which cannot but be approved, and which surely is some proof of judgment, and consideration, ought, in my opinion, to have exempted the Bill, and those by whose assistance it was drawn up, from the reproachful and indecent charge of absurdity, ignorance, and incapacity; terms which the dignity of this assembly does not admit, even when they are incontestibly just, and which surely ought not to be made use of when the question is of a doubtful nature.

The gentlemen, Sir, who are now entrusted with public employments, have never yet discovered that they are inferior to their predecessors in knowledge or integrity, nor do their characters suffer any diminution by a comparison with those who vilify and traduce them.

Those, Sir, that treat others with such licentious contempt, ought surely to give some illustrious proof of their own abilities; and yet, if we examine what has been produced on this question, we shall find no reason to admire their sagacity, or their knowledge.

We have been told, Sir, that the fleet might properly be manned by a detachment from the army, but it has not been proved that we have any superfluous forces in the kingdom, nor, indeed, will our army be found sufficiently numerous, if, by neglecting to equip our fleet, we give our enemies an opportunity of entering our country.

If it be enquired what necessity there is

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for our present forces? what expeditions are designed? or what dangers are feared? I shall not think it my duty to return any answer. It is, Sir, the great unhappiness of our constitution, that our determinations cannot be kept secret, and that our enemies may always form conjectures of our designs, by knowing our preparations; but surely more is not to be published than necessity extorts, and the government has a right to conceal what it would injure the nation to discover.

Nor can I, Sir, approve the method of levying sailors by the incitement of an exorbitant reward, a reward to be augmented at the pleasure of those who are to receive it. For what can be the consequence of such prodigality, but that those, to whom the largest sum is offered, will yet refuse their service in expectation of a greater? The reward already proposed is, in my opinion, the utmost stretch of liberality; and all beyond may be censured as profusion.

It is not to be imagined, Sir, that all these objections were not made, and answered, in the reign of the late queen, when a Bill of the same nature was proposed; they are answered at least by the necessity of those times, which necessity has now returned upon us.

We do not find that it produced any consequences so formidable and destructive, that they should for ever discourage us from attempting to raise forces by the same means; it was then readily enacted, and executed without opposition, and without complaints; nor do I believe that any measures can be proposed of equal efficacy, and less severity.

Mr. *Sandys:*

Sir; whether the precedents produced in defence of this Bill, will have more weight than the arguments, must be shewn by a careful examination, which will perhaps discover that the order sent to the magistrates of Bristol conveyed no new power, nor such as is, in any respect, parallel to that which this Bill is intended to confer.

They were only enjoined to enquire with more than usual strictness, after strollers and vagabonds, such as the law has always subjected to punishment, and send them to the fleet, instead of any other place of correction; a method which may now be pursued without danger, opposition, or complaint.

But for my part, I am not able, upon the closest attention to the present scene of affairs, to find out the necessity of extraordinary methods of any kind. The fears of an invasion from France, are, in my opinion, Sir, merely chimerical; from their fleet in America the coasts of England have nothing to fear, and after the numerous levies of seamen by which it was fitted out, it is not yet probable that they can speedily send out another. We know, Sir, that the number of seamen depends upon the extent of commerce, and surely there is as yet no such disproportion between their trade and ours, as that they should be able to furnish out a naval armament with much greater expedition than ourselves.

In America, our forces are at least equal to theirs, so that it is not very probable, that, after the total destruction of our fleet by them, they should be so little injured, as to be able immediately to set sail for the channel, and insult us in our own ports; to effect this, Sir, they must not only conquer us, but conquer us without resistance.

If they do not interrupt us in our attempts, nor expose themselves to an engagement, they may indeed return without suffering great damages, but I know not how they can leave the shores of America unobserved, or pour an unexpected invasion upon us. If they continue there, Sir, they cannot hurt us; and when they return, we may prepare for their reception.

There are men I know, Sir, who have reason to think highly of the French policy, and whose ideas may be exalted to a belief that they can perform impossibilities; but I have not yet prevailed upon myself to conceive that they can act invisibly, or that they can equip a fleet by sorcery, collect an army in a moment, and defy us on our own coast, without any perceptible preparations.

Sir *Charles Wager:*

Sir; the calamities produced by discord and contention need not to be pointed out, but it may be proper to reflect upon the consequences of a House divided against itself, that we may endeavour to avoid them.

Unanimity is produced by nothing more powerful than by impending danger, and therefore it may be useful to shew those who seem at present in profound security, that the power of France is more formidable than they are willing to allow.

My age, Sir, enables me to remember many transactions of the war in the late

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reigns, to which many gentlemen are strangers, or of which they have only imperfect ideas from history and tradition.

In the 2nd year of the reign of king William, the French gained a victory over the united fleets of the maritime powers, which gave them, for the summer following, the dominion of the channel, enabled them to shut up our merchants in their ports, and produced a total suspension of our commerce.

Those, Sir, to whom the importance of trade is so well known, will easily apprehend the weight of this calamity, and will, I hope, reject no measures that have a manifest tendency to prevent it.

Our ships, Sir, do not lie useless because there is any want of seamen in the nation, but because any service is preferred to that of the public.

There are now to my knowledge in one town on the west coast, no fewer than 1,900 sailors, of which surely a third part may be justly claimed by the public interest; nor do I know why they who obstinately refuse to serve their country, should be treated with so much tenderness. It is more reasonable that they should suffer by their refusal, than that the general happiness should be endangered.

Mr. *Southwell*:

Sir; when any authority shall be lodged in my hands to be exercised for the public benefit, I shall always endeavour to exert it with honesty and diligence; but will never be made the instrument of oppression, nor execute any commission of tyranny or injustice.

As therefore the power of searching is to be placed in the hands of justices of the peace, I think it necessary to declare that I will never perform so hateful a part of the office, and that, if this Bill becomes a law, I will retire from the place to which my authority is limited, rather than contribute to the miseries of my fellow-subjects.

Mr. *Lyttelton*:

Sir; all the arguments which have been offered in support of this Bill, are reduced at last to one constant assertion of the necessity of passing it.

We have been told, Sir, with great sauteness, that a war cannot be carried on without men, and that ships are useless without sailors; and from thence it is inferred that the Bill is necessary.

That forces are, by some means, necessary to be raised, the warmest opponents of the Bill will not deny; but they cannot therefore allow the inference, that the methods now proposed are necessary.

They are of opinion, Sir, that cruel and oppressive measures can never be justified, till all others have been tried without effect; they think that the law, when it was formerly past, was unjust, and are convinced, by observing that it never was revived, that it was by experience discovered to be useless.

Necessity, absolute necessity, is a formidable sound, and may terrify the weak and timorous into silence and compliance; but it will be found, upon reflection, to be often nothing but an idle feint, to amuse and to delude us; and that what is represented as necessary to the public, is only something convenient to men in power.

Necessity, Sir, has heretofore been produced as a plea for that which could be no otherwise defended. In the days of Charles 1, Ship-money was declared to be legal, because it was necessary. Such was the reasoning of the lawyers, and the determination of the judges; but the parliament, a parliament of patriots! without fear, and without corruption, and influenced only by a sincere regard for the public, were of a different opinion, and neither admitted the lawfulness nor necessity.

It will become us on this occasion to act with equal vigour, and convince our countrymen, that we proceed upon the same principles, and that the liberties of the people are our chief care.

I hope we shall unite in defeating any attempts that may impair the rights which every Briton boasts as his birth-right, and reject a law which will be equally dreaded and detested with the Inquisition of Spain.

Sir *William Yonge*:

Sir; though many particular clauses of this Bill have been disapproved and opposed, some with more, and some with less reason, yet the committee has hitherto agreed that a bill for this purpose is necessary in the present state of our affairs; upon this principle we have proceeded thus far, several gentlemen have proposed their opinions, contributed their observations, and laboured as in an affair universally admitted to be of high importance to the general prosperity.

But now, Sir, when some of the difficulties are surmounted, some expedients luckily struck out, some objections removed, and

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the great design brought nearer to execution, we are on a sudden informed, that all our labour is superfluous, that we are amusing ourselves with useless consultations, providing against calamities that can never happen, and raising bulwarks without an enemy, that therefore the question before us is of no importance, and the bill ought, without farther examination, to be totally rejected.

I suppose, Sir, I shall be readily believed, when I declare that I shall willingly admit any arguments that may evince our safety; but in proportion as real freedom from danger is to be desired, a supine and indolent neglect of it is to be dreaded and avoided; and I cannot but fear that our enemies are more formidable, and more malicious, than the gentlemen that oppose this Bill have represented them.

This Bill can only be opposed upon the supposition that it gives a sanction to severities more rigorous than our present circumstances require; for nothing can be more fallacious or invidious than a comparison of this law with the demand of ship-money, a demand contrary to all law, and enforced by the manifest exertion of arbitrary power.

How has the conduct of his present majesty any resemblance with that of Charles 1.? Is any money levied by order of the council? Are the determinations of the judges set in opposition to acts of parliament? Is any man injured in his property by an unlimited extension of the prerogative? Or any tribunal established superior to the laws of the nation?

To draw parallels, Sir, where there is no resemblance, and to accuse by insinuations where there is no shadow of a crime; to raise outcries when no injury is attempted, and to deny a real necessity, because it was once pretended for a bad purpose, is surely not to advance the public service, which can only be promoted by just reasonings, and calm reflections, not by sophistry and satire, by insinuations without ground, and by instances beside the purpose.

Mr. *Lyttelton:*

Sir; true zeal for the service of the public is never discovered by collusive subterfuges and malicious representations; a mind attentive to the common good, would hardly, on an occasion like this, have been at leisure to pervert an harmless illustration, and extract disaffection from a casual remark.

It is, indeed, not impossible, Sir, that I might express myself obscurely, and it may be therefore necessary to declare that I intended no disrespectful reflection on the conduct of his majesty, but I must observe at the same time, that obscure or inaccurate expressions ought always to be interpreted in the most inoffensive meaning, and that to be too sagacious in discovering concealed insinuations, is no great proof of superior integrity.

Wisdom, Sir, is seldom captious, and honesty seldom suspicious: a man capable of comprehending the whole extent of a question, disdains to divert his attention by trifling observations; and he that is above the practice of little arts, or the motions of petty malice, does not easily imagine them incident to another.

That in the question of Ship-money necessity was pretended, cannot be denied; and therefore all that I asserted, which was only that the nation had been once terrified without reason, by the formidable sound of necessity, is evident and uncontested.

When a fraud has once been practised, it is of use to remember it, that we may not twice be deceived by the same artifice, and therefore I mentioned the plea of necessity, that it may be enquired whether it is now more true than before.

That the parliament, Sir, and not the judges, is now applied to, is no proof of the validity of the arguments which have been produced; for in the days of Ship-money, the consent of the parliament had been asked had there been any prospect of obtaining it; but the court had been convinced, by frequent experiments, of the inflexibility of the parliament, and despaired of influencing them by prospects of advantage, or intimidating them by frowns or menaces.

May this and every future parliament imitate their conduct, and, like them, distinguish between real and pretended necessity; and let not us be terrified by idle clamours into the establishment of a law at once useless and oppressive!

Sir *William Yonge:*

Sir; that I did not intend to misrepresent the meaning of the hon. gentleman, I hope it is not necessary to declare; and that I have in reality been guilty of any misrepresentation, I am not yet convinced. If he did not intend a parallel between Ship-money and the present Bill, to what purpose was his observation? and if he did

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intend it, was it not proper to shew there was no resemblance, and that all which could be inferred from it was therefore fallacious and inconclusive?

Nor do I only differ, Sir, in opinion with the hon. gentleman with relation to his comparison of measures, which have nothing in common with each other; but I will venture to declare, that he is not more accurate in his citations from history. The king did not apply to the judges, because the parliament would not have granted him the money that he demanded, but because his chief ambition was to govern the nation by the prerogative alone, and to free himself and his descendants from parliamentary enquiries.

That this account, Sir, is just, I am confident the histories of those times will discover: and therefore any invidious comparison between that parliament and any other, is without foundation in reason or in truth.

Mr. *Bathurst:*

Sir; that this law will easily admit, in the execution of it, such abuses as will over-balance the benefits, may readily be proved; and it will not be consistent with that regard to the public, expected from us by those whom we represent, to enact a law which may probably become an instrument of oppression.

The servant, by whom I am now attended, may be termed, according to the determination of the vindicators of this Bill, a sea-faring man, having been once in the West Indies; and he may therefore be forced from my service, and dragged into a ship by the authority of a justice of the peace, perhaps of some abandoned prostitute dignified with a commission only to influence elections, and awe those whom excises and riot acts cannot subdue.

I think it, Sir, not improper to declare, that I would by force oppose the execution of a law like this; that I would bar my doors and defend them; that I would call my neighbours to my assistance; and treat those who should attempt to enter, without my consent, as thieves, ruffians, and murderers.

Lord *Gage:*

Sir; it is well known that by the laws of this nation poverty is in some degree considered as a crime, and that the debtor has only this advantage over the felon, that he cannot be pursued into his dwelling, nor be forced from the shelter of his own house.

I think it is universally agreed, that the condition of a man in debt, is already sufficiently miserable, and that it would be more worthy of the legislative power to contrive alleviations of his hardships, than additions to them; and it seems therefore no inconsiderable objection to this Bill, that by conferring the power of entering houses by force, it may give the harpies of the law an opportunity of entering, in the tumult of an impress, and of dragging a debtor to a noisome prison, under pretence of forcing sailors into the service of the crown.

Mr. *Tracy:*

Sir; that some law for the ends proposed by the Bill before us is necessary, I do not see how we can doubt, after the declarations of the admirals, who are fully acquainted with the service for which provision is to be made, and of the ministry, whose knowledge of the present state of our own strength, and the designs of our enemies, is doubtless more exact than they can acquire who are not engaged in public employments.

If, therefore, the measures now proposed are necessary, though they may not be agreeable to the present dispositions of the people, for whose preservation they are intended, I shall think it my duty to concur in them, that the public service may not be retarded, nor the safety of a whole nation hazarded, by a scrupulous attention to minute objections.

Mr. *Campbell:*

Sir; I have often amidst my eulogies on British liberty, and my declarations of the excellence of our constitution, the impartiality of our government, and the efficacy of our laws, been reproached by foreigners with the practice of impresses, as an hardship which would raise a rebellion in absolute monarchies, and kindle those nations into madness, that have for many ages known no other law than the will of their princes. A hardship which includes imprisonment and slavery, and to which therefore no aggravations ought to be added.

But if justice and reason, Sir, are to be overborne by necessity; if necessity is to stop our ears against the complaints of the oppressed, and harden our hearts at the sight of their misery, let it at least not destroy our memories, nor deprive us of the advantages of experience.

Let us enquire, Sir, what were the effects of this hateful authority when it was

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formerly consigned to the magistrates. Were our fleets manned in an instant? Were our harbours immediately crowded with sailors? Did we surprize our enemies by our expedition, and make conquests before an invasion could be suspected? I have heard, Sir, of no such consequences, nor of any advantages which deserved to be purchased by tyranny and oppression. We have found that very few were procured by the magistrates, and the charge of seizing and conveying was very considerable, and therefore cannot but conclude, that illegal measures, which have been once tried without success, should, for a double reason, never be revived.

Sir *John Barnard:*

Sir; it is not without regret that I rise so often on this occasion; for to dispute with those whose determinations are not influenced by reason, is a ridiculous task, a tiresome labour without prospect of reward.

But as an hon. gentleman has lately remarked, that by denying the necessity of the Bill, instead of making objections to particular clauses, the whole design of finding expedients to supply the sea-service is at once defeated: I think it necessary to remind him, that I have made many objections to this Bill, and supported them by reasons which have not yet been answered. But I shall now no longer confine my remarks to single errors, but observe that there is one general defect, by which the whole Bill is made absurd and useless.

For the foundation of a law like this, Sir, the description of a seaman ought to be thus accurately laid down, it ought to be declared what acts shall subject him to that denomination, and by what means, after having once enlisted himself in this unhappy class of men, he may withdraw into a more secure and happy state of life.

Is a man, who has once only lost sight of the shore, to be hunted as a seaman? Is a man who by traffic has enriched a family, to be forced from his possessions by the authority of an impress? Is a man, who has purchased an estate, and built a seat, to solicit the admiralty for a protection from the neighbouring constable? Such questions as these, Sir, may be asked, which the Bill before us will enable no man to answer.

If a Bill for this purpose be truly necessary, let it at least be freed from such offensive absurdities; let it be drawn up in a form as different as is possible from that of the Bill before us, and at last I am far from imagining that a law will be contrived not injurious to individuals, nor detrimental to the public; not contrary to the first principles of our establishment, and not loaded with folly and absurdities.

Mr. *Viner:*

Sir; a definition of a seaman is so necessary in a Bill for this purpose, that the omission of it will defeat all the methods that can be suggested. How shall a law be executed, or a penalty inflicted, when the magistrate has no certain marks whereby he may distinguish a criminal? And when even the man that is prosecuted may not be conscious of guilt, or know that the law extended to him, which he is charged with having offended.

If, in defining a seaman on the present occasion, it be thought proper to have any regard to the example of our predecessors, whose wisdom has in this debate been so much magnified; it may be observed that a seaman has been formerly defined, 'a man who haunts the seas;' a definition which seems to imply habit and continuance, and not to comprehend a man who has perhaps never gone more than a single voyage.

But though this definition, Sir, should be added to the amendments already proposed, and the Bill thereby be brought somewhat nearer to the constitutional principles of our government; I cannot yet think it so much rectified, as that the hardships will not out-weigh the benefits, and therefore shall continue to oppose the Bill, though to some particular clauses I have no objection.

The term 'Sea-faring man,' was then left out, and the several Amendments were admitted in the committee.

March 10. The House again resolved into a committee on the said Bill, when sir Charles Wager offered a clause by which it was to be enacted, "That no merchants, or bodies corporate, or politic, shall hire sailors at higher wages than 35*s.* for the month, on pain of forfeiting the treble value of the sum so agreed for; which law was to commence after 15 days, and continue for a time to be agreed on by the House." And then spoke to the following purpose:

Sir *Charles Wager:*

Sir; the necessity of this clause must be so apparent to every gentleman acquainted with naval and commercial affairs,

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that as no opposition can be apprehended, very few arguments will be requisite to introduce it.

How much the public calamities of war are improved by the sailors to their own private advantage, how generally they shun the public service, in hopes of receiving exorbitant wages from the merchants, and how much they extort from the merchants, by threatening to leave their service for that of the crown, is universally known by every officer of the navy, and every commander of a trading-vessel.

A law therefore, Sir, to restrain them in time of war from such exorbitant demands, to deprive them of those prospects which have often no other effect but to lull them in idleness, while they skulk about in expectation of higher wages, and to hinder them from deceiving themselves, embarrassing the merchants, and neglecting the general interest of their country, is undoubtedly just. It is just, Sir, because, in regard to the public, it is necessary to prevent the greatest calamity that can fall upon a people; to preserve us from receiving laws from the most implacable of our enemies; and it is just because, with respect to particular men, it has no tendency but to suppress idleness, fraud, and extortion.

Mr. *Henry Fox:*

Sir; I have no objection to any part of this clause, except the day proposed for the commencement; to make a law against any pernicious practice, to which there are strong temptations, and to give those whose interest may incite them to it, time to effect their schemes, before the law shall begin to operate, seems not very consistent with their wisdom or vigilance.

It is not denied, Sir, that the merchants are betrayed, by that regard to private interest which prevails too frequently over nobler views, to bribe away from the service of the crown, by large rewards, those sailors whose assistance is now so necessary to the public; and therefore it is not to be imagined that they will not employ their utmost diligence to improve the interval which the Bill allows in making contracts for the ensuing year, and that the sailors will not eagerly engage themselves before this law shall preclude their prospects of advantage.

As therefore to make no law, and to make a law that will not be observed, is in consequence the same, and as the time allowed by the clause, as it now stands, may make the whole provision ineffectual, it is my opinion that either it ought to begin to operate to-morrow, or that we ought to leave the whole affair in its present state.

Sir *Robert Walpole:*

Sir; nothing has a greater appearance of injustice, than to punish men by virtue of laws with which they were not acquainted; the law therefore is always supposed to be known by those who have offended it; because it is the duty of every man to know it, and certainly it ought to be the care of the legislature, that those whom the law will affect, may have a possibility of knowing it, and that those may not be punished for failing in their duty, whom nothing but inevitable ignorance has betrayed into offence.

But if the operation of this law should commence to-morrow, what numbers may break it, and suffer by the breach of it involuntarily, and without design; and how shall we vindicate ourselves from having been accessary to the crime which we censure and punish?

Mr. *Henry Fox:*

Sir; I shall not urge in defence of my motion what is generally known, and has been frequently inculcated in all debates upon this Bill, that private considerations ought always to give way to the necessities of the public; for I think it sufficient to observe, that there is a distinction to be made between punishment and restraints, and that we never can be too early in the prevention of pernicious practices, though we may sometimes delay to punish them.

The law will be known to-morrow to far the greatest number of those who may be tempted to defeat it, and if there be others that break it ignorantly, how will they find themselves injured by being only obliged to pay less than they promised, which is all that I should propose without longer warning. The debate upon this particular will be at length reduced to a question, Whether a law for this purpose is just and expedient? If a law be necessary, it is necessary that it should be executed, and it can be executed only by commencing to-morrow.

Lord *Baltimore:*

Sir; it appears to me of no great importance how soon the operation of the law commences, or how long it is delayed,



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because I see no reason for imagining that it will at any time produce the effects proposed by it.

It has been the amusement, Sir, of the greatest part of my life, to converse with men whose inclinations or employments have made them well acquainted with maritime affairs, and amidst innumerable other schemes for the promotion of trade, have heard some for the regulation of wages in trading ships, schemes at the first appearance plausible and likely to succeed, but upon a nearer enquiry evidently entangled with insupportable difficulties, and never to be executed without danger of injuring the commerce of the nation.

The clause, Sir, now before us contains in my opinion one of those visionary provisions, which however infallible they may appear, will be easily defeated, and will have no other effect than to promote cunning and fraud, and to teach men those acts of collusion with which they would otherwise never have been acquainted.

Mr. *Lockwood:*

Sir; I agree with the hon. gentleman by whom this clause has been offered, that the end for which it is proposed, is worthy the closest attention of the legislative power, and that the evils, of which the prevention is now endeavoured, may in some measure not only obstruct our traffic, but endanger our country; and shall therefore very readily concur in any measure for this purpose, that shall not appear either unjust or ineffectual.

Whether this clause will be sufficient to restrain all elusive contracts, and whether all the little artifices of interest are sufficiently obviated, I am yet unable to determine; but by a reflection upon the multiplicity of relations to be considered, and the variety of circumstances to be adjusted, in a provision of this kind, I am inclined to think that it is not the business of a transient enquiry, or of a single clause, but that it will demand a separate law, and engage the deliberation and regard of this whole assembly.

Sir *John Barnard:*

Sir; notwithstanding the impatience and resentment with which some men see their mistakes and ignorance detected, notwithstanding the reverence which negligence and haste are said to be entitled to from this assembly, I shall declare once more, without the apprehension of being confuted, that this Bill was drawn up without consideration, and is defended without being understood; that after all the amendments which have been admitted, and all the additions proposed, it will be oppressive and ineffectual, a chaos of absurdities, and a monument of ignorance.

Sir *Robert Walpole:*

Sir; the present business of this assembly is to examine the clause before us; but to deviate from so necessary an enquiry into loud exclamations against the whole Bill, is to obstruct the course of the debate, to perplex our attention, and interrupt the parliament in its deliberation upon questions, in the determination of which the security of the public is nearly concerned.

The war, Sir, in which we are now engaged, and, I may add, engaged by the general request of the whole nation, can be prosecuted only by the assistance of the seamen, from whom it is not expected that they will sacrifice their immediate advantage to the security of their country. Public spirit, where it is to be found, is the result of reflection, refined by study and exalted by education, and is not to be hoped for among those whom low fortune has condemned to perpetual drudgery. It must be therefore necessary to supply the defect of education, and to produce by salutary coercions those effects which it is in vain to expect from other causes.

That the service of the sailors will be set up to sale by auction, and that the merchants will bid against the government, is incontestable; nor is there any doubt that they will be able to offer the highest price, because they will take care to repay themselves by raising the value of their goods. Thus, without some restraint upon the merchants, our enemies, who are not debarred by their form of government from any method which policy can invent, or absolute power put in execution, will preclude all our designs, and set at defiance a nation superior to themselves.

Sir *John Barnard:*

Sir; I think myself obliged, by my duty to my country, and by my gratitude to those by whose industry we are enriched and by whose courage we are defended, to make once more a declaration, not against particular clauses, not against single circumstances, but against the whole Bill; a Bill unjust and oppressive, absurd and ridiculous; a Bill to harrass the in-

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dustrious and distress the honest, to puzzle the wise and add power to the cruel; a Bill, which cannot be read without astonishment, nor passed without the violation of our constitution, and an equal disregard of policy and humanity.

All these assertions will need to be proved only by a bare perusal of this hateful Bill, by which the meanest, the most worthless reptile, exalted to a petty office by serving a wretch only superior to him in fortune, is enabled to flush his authority by tyrannizing over those who every hour deserve the public acknowledgments of the community; to intrude upon the retreats of brave men, fatigued and exhausted by honest industry, to drag them out with all the wantonness of groveling authority, and chain them to the oar without a moment's respite, or perhaps oblige them to purchase, with the gains of a dangerous voyage, or the plunder of an enemy lately conquered, a short interval to settle their affairs, or bid their children farewell.

Let any gentleman in this House, let those, Sir, who now sit at ease, projecting laws of oppression and conferring upon their own slaves such licentious authority, pause a few moments, and imagine themselves exposed to the same hardships by a power superior to their own; let them conceive themselves torn from the tenderness and caresses of their families by midnight irruptions, dragged in triumph through the streets by a despicable officer, and placed under the command of those by whom they have perhaps been already insulted. Why should we imagine that the race of men for whom these cruelties are preparing, have less sensibility than ourselves? Why should we believe that they will suffer without complaint, and be injured without resentment? Why should we conceive that they will not at once deliver themselves, and punish their oppressors, by deserting that country where they are considered as felons, and laying hold on those rewards and privileges which no other government will deny them?

This is indeed the only tendency, whatever may have been the intention, of the Bill before us; for I know not whether the most refined sagacity can discover any other method of discouraging navigation than those which are drawn together in the Bill before us. We first give our constables an authority to hunt the sailors like thieves, and drive them by incessant pursuit out of the nation; but, lest any man should, by friendship, good fortune, or the power of money, find means of staying behind, we have, with equal wisdom, condemned him to poverty and misery; and, lest the natural courage of his profession should incite him to assist his country in the war, have contrived a method of precluding him from any advantage that he might have the weakness to hope from his fortitude and diligence. What more can be done, unless we at once prohibit to seamen the use of the common elements, or doom them to a general proscription.

It is just, Sir, that advantage should be proportioned to the hazard by which it is to be obtained, and therefore a sailor has an honest claim to an advance of wages in time of war; it is necessary to excite expectation, and to fire ambition by the prospect of great acquisitions; and by this prospect it is that such numbers are daily allured to naval business, and that our privateers are filled with adventurers. The large wages which war makes necessary, are more powerful incentives to those whom impatience of poverty determines to change their state of life, than the secure gains of peaceful commerce; for the danger is over-looked by a mind intent upon the profit.

War is the harvest of a sailor, in which he is to store provisions for the winter of old age; and if we blast this hope, he will inevitably sink into indolence and cowardice.

Many of the sailors are bred up to trades, or capable of any laborious employment upon land; nor is there any reason for which they expose themselves to the dangers of a seafaring life, but the hope of sudden wealth, and some lucky season in which they may improve their fortunes by a single effort. Is it reasonable to believe that all these will not rather have recourse to their former callings, and live in security, though not in plenty, than encounter danger and poverty at once, and face an enemy without any prospect of recompence?

Let any man recollect the ideas that arose in his mind upon hearing of a Bill for encouraging and increasing sailors, and examine whether he had any expectation of expedients like these? I suppose, it was never known before, that men were to be encouraged by subjecting them to peculiar penalties, or that to take away the gains of a profesion, was a method of recommending it more generally to the people.

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But it is not of very great importance to dwell longer upon the impropriety of this clause, which there is no possibility of putting in execution. That the merchants will try every method of eluding a law so prejudicial to their interest, may be easily imagined; and a mind not very fruitful of evasions will discover that this law may be eluded by a thousand artifices. If the merchants are restrained from allowing men their wages beyond a certain sum, they will make contracts for the voyage, of which the time may very easily be computed; they may offer a reward for expedition and fidelity; they may pay a large sum by way of advance; they may allow the sailors part of the profits, or may offer money by a third hand. To fix the price of any commodity, of which the quantity and the use may vary their proportions, is the most excessive degree of ignorance. No man can determine the price of corn, unless he can regulate the harvest, and keep the number of the people for ever at a stand.

But let us suppose these methods as efficacious as their most sanguine vindicators are desirous of representing, it does not yet appear that they are necessary; and to inflict hardships without necessity is by no means the practice of either wisdom or benevolence. To tyrannize and compel, is the low pleasure of petty capacities, of narrow minds, swelled with the pride of uncontroulable authority, the wantonness of wretches who are insensible of the consequences of their own actions, and of whom candour may perhaps determine, that they are only cruel because they are stupid. Let us not exalt into a precedent the most unjust and rigorous law of our predecessors, of which they themselves declared their repentance, or confessed the inefficacy, by never reviving it; let us rather endeavour to gain the sailors by lenity and moderation, and reconcile them to the service of the crown by real encouragement: for it is rational to imagine, that in proportion as men are disgusted by injuries, they will be won by kindness.

There is one expedient, Sir, which deserves to be tried, and from which at least more success may be hoped than from cruelty, hunger, and persecution. The ships that are now to be fitted out for service, are those of the first magnitude, which it is usual to bring back into the ports in winter. Let us therefore promise to all seamen that shall voluntarily engage in them, besides the reward already proposed, a discharge from the service at the end of six or seven months. By this they will be released from their present dread of slavery, and be certain, as they are when in the service of the merchants, of a respite from their fatigues. The trade of the nation will be only interrupted for a time, and may be carried on in the winter months, and large sums will be saved by dismissing the seamen when they cannot be employed.

By adding this to the other methods of encouragement, and throwing aside all rigorous and oppressive schemes, the navy may easily be manned, our country protected, our commerce re-established, and our enemies subdued; but to pass the Bill as it now stands, is to determine that trade shall cease, and that no ship shall sail out of the river.

Mr. *Pitt:*

Sir; it is common for those to have the greatest regard to their own interest who discover the least for that of others. I do not, therefore, despair of recalling the advocates of this Bill from the prosecution of their favourite measures by arguments of greater efficacy than those which are founded on reason and justice.

Nothing, Sir, is more evident, than that some degree of reputation is absolutely necessary to men who have any concern in the administration of a government like ours; they must either secure the fidelity of their adherents by the assistance of wisdom, or of virtue; their enemies must either be awed by their honesty, or terrified by their cunning. Mere artless bribery will never gain a sufficient majority to set them entirely free from apprehensions of censure. To different tempers different motives must be applied: some, who place their felicity in being accounted wise, are in very little care to preserve the character of honesty; others may be persuaded to join in measures which they easily discover to be weak and ill concerted, because they are convinced that the authors of them are not corrupt but mistaken, and are unwilling that any man should be punished for natural defects or casual ignorance.

I cannot say, Sir, which of these motives influence the advocates for the Bill before us; a Bill in which such cruelties are proposed as are yet unknown among the most savage nations, such as slavery has not yet borne, or tyranny invented, such as cannot be heard without resentment, nor thought of without horror.

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It is, Sir, perhaps, not unfortunate, that one more expedient has been added rather ridiculous than shocking, and that these tyrants of the administration, who amuse themselves with oppressing their fellow-subjects, who add without reluctance one hardship to another, invade the liberty of those whom they have already overborne with taxes, first plunder and then imprison, who take all opportunities of heightening the public distreases, and make the miseries of war the instruments of new oppressions, are too ignorant to be formidable, and owe their power not to their abilities, but to casual prosperity, or to the influence of money.

The other clauses of this Bill, complicated at once with cruelty and folly, have been treated with becoming indignation; but this may be considered with less ardour and resentment, and fewer emotions of zeal, because, though perhaps equally iniquitous, it will do no harm; for a law that can never be executed can never be felt.

That it will consume the manufacture of paper, and swell the books of statutes, is all the good or hurt that can be hoped or feared from a law like this; a law which fixes what is in its own nature mutable, which prescribes rules to the seasons and limits to the wind.

I am too well acquainted, Sir, with the disposition of its two chief supporters, to mention the contempt with which this law will be treated by posterity; for they have already shewn abundantly their disregard of succeeding generations; but I will remind them, that they are now venturing their whole interest at once, and hope they will recollect, before it is too late, that those who believe them to intend the happiness of their country will never be confirmed in their opinion by open cruelty and notorious oppression; and that those who have only their own interest in view, will be afraid of adhering to those leaders, however old and practised in expedients, however strengthened by corruption, or elated with power, who have no reason to hope for success from either their virtue or abilities.

Mr. *Bathurst*:

Sir; the clause under our consideration is so inconsiderately drawn up, that it is impossible to read it in the most cursory manner, without discovering the necessity of numerous amendments; no malicious subtilties or artful deductions are required in raising objections to this part of the Bill; they crowd upon us without being sought, and instead of exercising our sagacity, weary our attention.

The first error, or rather one part of a general and complicated error, is the computation of time not by days but by calendar months, which, as they are not equal one to another, may embarrass the account between the sailors and those that employ them. In all contracts of a short duration, the time is to be reckoned by weeks and days, by certain and regular periods, which has been so constantly the practice of the sea-faring men, that perhaps many of them do not know the meaning of a calendar month: this indeed is a neglect of no great importance, because no man can be deprived by it of more than the wages due for the labour of a few days; but the other part of this clause is more seriously to be considered, as it threatens the sailors with great injuries. For it is to be enacted, that all contracts made for more wages than are here allowed shall be totally void.

It cannot be denied to be possible, and in my opinion it is very likely, that many contracts will be made without the knowledge of this law, and consequently without any design of violating it; but ignorance, inevitable ignorance, though it is a valid excuse for every other man, is no plea for the unhappy sailor; he must suffer, though innocent, the penalty of a crime; must undergo danger, hardships, and labour, without a recompence, and at the end of a successful voyage, after having enriched his country by his industry, return home to a necessitous family without being able to relieve them.

It is scarcely necessary, Sir, to raise any more objections to a clause in which nothing is right; but to shew how its imperfections multiply upon the slightest consideration, I take this opportunity to observe that there is no provision made for regulating the voyages performed in less time than a month, so that the greatest part of the abuses, which have been represented as the occasion of this clause, are yet without remedy, and only those sailors who venture far, and are exposed to the greatest dangers, are restrained from receiving an adequate reward.

Thus much, Sir, I have said upon the supposition, that a regulation of the sailors' wages is either necessary or just; a supposition of which I am very far from discovering the truth. That it is just to

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oppress the most useful of our fellow subjects, to load those men with peculiar hardships to whom we owe the plenty that we enjoy, the power that yet remains in the nation, and which neither the folly nor the cowardice of ministers have yet been able to destroy, and the security in which we now sit and hold our consultations; that it is just to lessen our payments at a time when we increase the labour of those who are hired, and to expose men to danger without recompence, will not easily be proved even by those who are most accustomed to paradoxes, and are ready to undertake the proof of any position which it is their interest to find true.

Nor is it much more easy to shew the necessity of this expedient in our present state, in which it appears from the title of the Bill, that our chief endeavour should be the increase and encouragement of sailors, and, I suppose, it has not often been discovered, that by taking away the profits of a profession, greater numbers have been allured to it.

The high wages, Sir, paid by merchants are the chief incitements that prevail upon the ambitious, the necessitous, or the avaricious, to forsake the ease and security of the land, to leave easy trades and healthful employments, and expose themselves to an element where they are not certain of an hour's safety. The service of the merchants is the nursery in which seamen are trained up for his majesty's navies, and from thence we must, in time of danger, expect those forces by which alone we can be protected.

If therefore, it is necessary to encourage sailors, it is necessary to reject all measures that may terrify or disgust them; and, as their numbers must depend upon our trade, let us not embarrass the merchants with any other difficulties than those which are inseparable from war, and which very little care has been hitherto taken to alleviate.

Mr. *Hay*:

Sir; the objections which have been urged with so much ardour, and displayed with such power of eloquence, are not, in my opinion, formidable enough to discourage us from prosecuting our measures; some of them may be perhaps readily answered, and the rest easily removed.

The computation of time, as it now stands, is allowed not to produce any formidable evil, and therefore did not require so rhetorical a censure; the inconveniency of calendar months may easily be removed by a little candour in the contracting parties, or that the objection may not be repeated to the interruption of the debate, weeks or days may be substituted, and the usual reckoning of the sailors be still continued.

That some contracts may be annulled, and inconveniencies or delays of payment arise, is too evident to be questioned; but in that case the sailor may have his remedy provided, and be enabled to obtain, by an easy process, what he shall be judged to have deserved; for it must be allowed reasonable, that every man who labours in honest and useful employments, should receive the reward of his diligence and fidelity.

Thus, Sir, may the clause, however loudly censured and violently opposed, be made useful and equitable, and the public service advanced without injury to individuals.

Sir *Robert Walpole*:

Sir; every law which extends its influence to great numbers, in various relations and circumstances, must produce some consequences that were never foreseen or intended, and is to be censured or applauded as the general advantages or inconveniencies are found to preponderate. Of this kind is the law before us, a law enforced by the necessity of our affairs, and drawn up with no other intention than to secure the public happiness, and produce that success which every man's interest must prompt him to desire.

If, in the execution of this law, Sir, some inconveniencies should arise, they are to be remedied as fast as they are discovered, or if not capable of a remedy, to be patiently borne in consideration of the general advantage.

That some temporary disturbances may be produced is not improbable; the discontent of the sailors may for a short time rise high, and our trade be suspended by their obstinacy; but obstinacy, however determined, must yield to hunger, and when no higher wages can be obtained, they will cheerfully accept of those which are here allowed them. Short voyages indeed are not comprehended in the clause, and therefore the sailors will engage in them upon their own terms; but this objection can be of no weight with those that oppose the clause, because, if it is unjust to limit the wages of the sailors, it is just

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to leave those voyages without restriction; and those that think the expedient here proposed equitable and rational, may perhaps be willing to make some concessions to those who are of a different opinion.

That the bill will not remove every obstacle to success, nor add weight to one part of the balance without making the other lighter; that it will not supply the navy without incommoding the merchants in some degree; that it may be sometimes evaded by cunning, and sometimes abused by malice; and that at last it will be less efficacious than is desired, may perhaps be proved; but it has not yet been proved that any other measures are more eligible, or that we are not to promote the public service as far as we are able, though our endeavours may not produce effects equal to our wishes.

Sir *John Barnard:*

Sir; I know not by what fatality it is that nothing can be urged in defence of the clause before us which does not tend to discover its weakness and inefficacy. The warmest patrons of this expedient are impelled by the mere force of conviction to such concessions as invalidate all their arguments, and leave their opponents no necessity of replying.

If short voyages are not comprehended in this provision, what are we now controverting? what but the expedience of a law that will never be executed? the sailors, however they are contemned by those who think them only worthy to be treated like beasts of burthen, are not yet so stupid but that they can easily find out, that to serve a fortnight for greater wages is more eligible than to toil a month for less; and as the numerous equipments that have been lately made have not left many more sailors in the service of the merchants than may be employed in the coasting trade, those who traffic to remoter parts must shut up their books, and wait till the expiration of this act for an opportunity of renewing their commerce.

To regulate the wages for one voyage, and to leave another without limitation, in time of scarcity of seamen, is absolutely to prohibit that trade which is so restrained, and is doubtless a more effectual embargo than has been yet invented.

Let any man but suppose that the East-India company were obliged to give only half the wages that other traders allow, and consider how that part of our commerce could be carried on; would not their goods rot in their warehouses, and their ships lie for ever in the harbour? Would not the sailors refuse to contract with them? or desert them after a contract, upon the first prospect of more advantageous employment?

But it is not requisite to multiply arguments in a question which may not only be decided without long examination, but in which we may determine our conclusions by the experience of our ancestors. Scarcely any right or wrong measures are without a precedent, and often discover what the most enlightened reason failed to foresee.

Let us therefore improve the errors of our ancestors to our own advantage, and whilst we neglect to imitate their virtues, let us at least forbear to repeat their follies.

Alderman *Perry:*

Sir; there is one objection more which my acquaintance with foreign trade impresses too strongly upon my mind to suffer me to conceal it.

It is well known that the condition of a seaman subjects him to the necessity of spending a great part of his life at a distance from his native country, in places where he can neither hear of our designs, nor be instructed in our laws, and therefore it is evident that no law ought to affect him before a certain period of time, in which he may reasonably be supposed to have been informed of it. For every man ought to have it in his power to avoid punishment, and to suffer only for negligence and obstinacy.

It is quite unnecessary, Sir, to observe to this assembly, that there are now, as at all times, great numbers of sailors in every part of the world, and that they at least equally deserve our regard with those who are under the more immediate influence of the government.

These seamen have already contracted for the price of their labour, and the recompence of their hazards, nor can we, in my opinion, without manifest injustice, dissolve a contract founded upon equity, and confirmed by law.

It is, Sir, an undisputed principle of government, that no person should be punished without a crime; but is it no punishment to deprive a man of what is due to him by a legal stipulation, the condition of which is on his part honestly fulfilled?

Nothing, Sir, can be imagined more calamitous than the disappointment to which this law subjects the unhappy men

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who are now promoting the interest of their country in distant places, amidst dangers and hardships, in unhealthy climates and barbarous nations, where they comfort themselves under the fatigues of labour and the miseries of sickness, with the prospect of the sum which they shall gain for the relief of their families, and the respite which their wages will enable them to enjoy; but upon their return they find their hopes blasted, and their contracts dissolved by a law made in their absence.

No human being, I think, can coolly and deliberately inflict a hardship like this, and therefore I doubt not but those who have by inadvertency given room for this objection, will either remove it by an amendment, or what is, in my opinion, more eligible, reject the clause as inexpedient, useless, and unjust.

Sir *William Yonge:*

Sir; this debate has been protracted, not by any difficulties arising from the nature of the questions which have been the subject of it, but by a neglect with which almost all the opponents of the Bill may be justly charged, the neglect of distinguishing between measures eligible in themselves, and measures preferable to consequences which are apprehended from particular conjunctures; between laws made only to advance the public happiness, and expedients of which the benefit is merely occasional, and of which the sole intention is to avert some national calamity, and which are to cease with the necessity that produced them.

Such are the measures, Sir, which are now intended; measures, which in days of ease, security, and prosperity, it would be the highest degree of weakness to propose, but of which I cannot see the absurdity in times of danger and distress. Such laws are the medicines of a state, useless and nauseous in health, but preferable to a lingering disease, or to a miserable death.

Even those measures, Sir, which have been mentioned as most grossly absurd, and represented as parallel to the provision made in this clause, only to expose it to contempt and ridicule, may in particular circumstances be rational and just. To settle the price of corn in the time of a famine, may become the wisest state, and multitudes might, in time of public misery, by the benefit of temporary laws, be preserved from destruction. Even those masts, to which, with a prosperous gale, the ship owes its usefulness and its speed, are often cut down by the sailors in the fury of a storm.

With regard to the ships which are now in distant places, whither no knowledge of this law can possibly be conveyed, it cannot be denied that their crews ought to be secured from injury by some particular exception; for though it is evident in competitions between public and private interest, which ought to be preferred, yet we ought to remember that no unnecessary injury is to be done to individuals, even while we are providing for the safety of the nation.

Mr. *Fazakerley:*

Sir; though I cannot be supposed to have much acquaintance with naval affairs, and therefore may not perhaps discover the full force of the arguments that have been urged in favour of the clause now under consideration, yet I cannot but think myself under an indispensable obligation to examine it as far as I am able, and to make use of the knowledge which I have acquired, however inferior to that of others.

The argument, Sir, the only real argument, which has been produced in favour of the restraint of wages now proposed, appears to me by no means conclusive; nor can I believe that the meanest and most ignorant seaman would, if it was proposed to him, hesitate a moment for an answer to it. Let me suppose, Sir, a merchant urging it as a charge against a seaman, that he raises his demand of wages in time of war, would not the sailor readily reply, that harder labour required larger pay? Would he not ask, why the general practice of mankind is charged as a crime upon him only? Enquire, says he, of the workmen in the docks, have they not double wages for double labour? And is not their lot safe and easy in comparison with mine, who at once encounter danger and support fatigue; carry on war and commerce at the same time, to conduct the ship and oppose the enemy, and am equally exposed to captivity and shipwreck?

That this is in reality the state of a sailor in time of war, I think, Sir, too evident to require proof; nor do I see what reply can be made to the sailor's artless expostulation.

I know not why the sailors alone should serve their country to their disadvantage, and be expected to encounter danger without the incitement of a reward.

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Nor will any part of the hardships of this clause be alleviated by the expedient suggested by an honourable member, who spoke some time ago of granting, or allowing, to a sailor, whose contract shall be void, what our courts of law should adjudge him to deserve, a *Quantum meruit*. For, according to the general interpretation of our statutes, it will be determined that he has forfeited his whole claim by illegal contract. To instance, Sir, the statute of usury: he that stipulates for higher interest than is allowed, is not able to recover his legal demand, but irrecoverably forfeits the whole.

Thus, Sir, an unhappy sailor, who shall innocently transgress this law, must lose all the profits of his voyage, and have nothing to relieve him after his fatigues; but when he has by his courage repelled the enemy, and by his skill escaped storms and rocks, must suffer yet severer hardships, in being subject to a forfeiture where he expected applause, comfort, and recompence.

Mr. Attorney General *Ryder*:

Sir; the clause before us cannot, in my opinion, produce any such dreadful consequences as the learned gentleman appears to imagine: however, to remove all difficulties, I have drawn up an Amendment, which I shall beg leave to propose, that the contracts, which may be affected as the clause now stands, 'shall be void 'only as to so much of the wages as shall 'exceed the sum to which the House shall 'agree to reduce the seaman's pay;' and as to the forfeitures, they are not to be levied upon the sailors, but upon the merchants, or trading companies, who employ them, and who are able to pay greater sums without being involved in poverty and distress.

With regard, Sir, to the reasons for introducing this clause, they are, in my judgment, valid and equitable. We have found it necessary to fix the rate of money at interest, and the rate of labour in several cases; and if we do not in this case, what will be the consequence? A second embargo on commerce, and perhaps a total stop to all military preparations. Is it reasonable that any man should rate his labour according to the immediate necessities of those that employ him? Or that he should raise his own fortune by the public calamities? If this has hitherto been a practice, it is a practice contrary to the general happiness of society, and ought to prevail no longer.

If the sailor, Sir, is exposed to greater dangers in time of war, is not the merchant's trade carried on likewise at greater hazard? Is not the freight, equally with the sailors, threatened at once by the ocean and the enemy? And is not the owner's fortune equally impaired, whether the ship is dashed upon a rock, or seized by a privateer?

The merchants, therefore, have as much reason for paying less wages in time of war, as the sailor for demanding more, and nothing remains but that the legislative power determine a medium between their different interests, with justice, if possible, at least with impartiality.

Mr. *Horatio Walpole*:

Sir; I was unwilling to interrupt the course of this debate while it was carried on with calmness and decency, by men who do not suffer the ardour of opposition to cloud their reason, or transport them to such expressions as the dignity of this assembly does not admit. I have hitherto deferred to answer the gentleman who declaimed against the Bill with such fluency and rhetoric, and such vehemence of gesture, who charged the advocates for the expedients now proposed, with having no regard to any interest but their own, and with making laws only to consume paper, and threatened them with the defection of their adherents, and the loss of their influence, upon this new discovery of their folly, and their ignorance.

Nor, Sir, do I now answer him for any other purpose than to remind him how little the clamour of rage, and petulancy of invectives, contribute to the purpose for which this assembly is called together; how little the discovery of truth is promoted, and the security of the nation established by pompous diction, and theatrical emotion.

Formidable sounds, and furious declamations, confident assertions, and lofty periods, may affect the young and unexperienced, and perhaps the gentleman may have contracted his habits of oratory by conversing more with those of his own age, than with such as have had more opportunities of acquiring knowledge, and more successful methods of communicating their sentiments.

If the heat of his temper, Sir, would suffer him to attend to those whose age and long acquaintance with business give them an indisputable right to deference and superiority, he would learn, in time,



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to reason rather than declaim, and to prefer justness of argument, and an accurate knowledge of facts, to sounding epithets and splendid superlatives, which may disturb the imagination for a moment, but leave no lasting impression on the mind.

He will learn, Sir, that to accuse and prove are very different, and that reproaches, unsupported by evidence, affect only the character of him, that utters them. Excursions of fancy, and flights of oratory, are indeed pardonable in young men, but in no other; and it would surely contribute more, even to the purpose for which some gentlemen appear to speak, that of depreciating the conduct of the administration, to prove the inconveniencies and injustice of this Bill, than barely to assert them, with whatever magnificence of language, or appearance of zeal, honesty, or compassion.

Mr. *Pitt:*

Sir; the atrocious crime of being a young man, which the hon. gentleman has with such spirit and decency charged upon me, I shall neither attempt to palliate, nor deny, but content myself with wishing that I may be one of those whose follies may cease with their youth, and not of that number who are ignorant in spite of experience.

Whether youth can be imputed to any man as a reproach, I will not, Sir, assume the province of determining; but surely age may become justly contemptible, if the opportunities which it brings have past away without improvement, and vice appears to prevail when the passions have subsided. The wretch that, after having seen the consequences of a thousand errors, continues still to blunder, and whose age has only added obstinacy to stupidity, is surely the object of either abhorrence or contempt, and deserves not that his grey head should secure him from insults.*

Much more, Sir, is he to be abhorred, who, as he has advanced in age, has receded from virtue, and becomes more wicked with less temptation; who prostitutes himself for money which he cannot enjoy, and spends the remains of his life in the ruin of his country.

But youth, Sir, is not my only crime; I have been accused of acting a theatrical part. A theatrical part may either imply some peculiarities of gesture, or a dissimulation of my real sentiments, and an adoption of the opinions and language of another man.

In the first sense, Sir, the charge is too trifling to be confuted, and deserves only to be mentioned, that it may be despised. I am at liberty, like every other man, to use my own language; and though I may perhaps have some ambition to please this gentleman, I shall not lay myself under any restraint, nor very solicitously copy his diction, or his mien, however matured by age, or modelled by experience.

If any man shall, by charging me with theatrical behaviour, imply, that I utter any sentiments but my own, I shall treat him as a calumniator and a villain; nor shall any protection shelter him from the treatment which he deserves. I shall, on such an occasion, without scruple trample upon all those forms with which wealth and dignity intrench themselves, nor shall any thing but age restrain my resentment; age, which always brings one privilege, that of being insolent and supercilious without punishment.

But, with regard, Sir, to those whom I have offended, I am of opinion, that if I had acted a borrowed part, I should have avoided their censure; the heat that offended them is the ardour of conviction, and that zeal for the service of my country, which neither hope nor fear shall influence me to suppress. I will not sit unconcerned while

* "This celebrated retort of Mr. Pitt existed only in Johnson's imagination, who penned these debates; and is one of the instances which realise his assertion that 'he took care the whig dogs should not have the better of it.' An anecdote, communicated by the late lord Sydney, from the authority of his father, who was present, will exhibit the slender foundation on which Mr. Pitt's supposed philippic was formed. I give it in his lordship's own words: 'In a debate, in which Mr. Pitt, Mr. Lyttleton, and, perhaps, some of the Grenvilles, who were then all young men, had violently attacked Mr. Horace Walpole, he, in reply, 'lamented that, having been so long in business, he found that such young men were so much better informed in political matters than himself; he had, however, one consolation, which was, that he had a son not twenty years old, and he had the satisfaction to hope that he was as much wiser than them, as they were than his father.' Mr. Pitt got up with great warmth, beginning with these words: 'With the greatest reverence to the grey hairs of the hon. gentleman!' Mr. Walpole pulled off his wig, and shewed his head covered with grey hair; which occasioned a general laughter, in which Mr. Pitt joined, and all warmth immediately subsided." Coxe's Memoirs of Horatio lord Walpole, vol. 2, p. 184.

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my liberty is invaded, nor look in silence upon public robbery.—I will exert my endeavours, at whatever hazard, to repel the aggressor, and drag the thief to justice, whoever may protect them in their villainy, and whoever may partake of their plunder. And if the honourable gentleman——

Mr. *Winnington* called to order, and Mr. Pitt sitting down, he proceeded thus:

Sir; it is necessary, that the order of this assembly be observed, and the debate resumed without personal altercations. Such expressions as have been vented on this occasion, become not an House entrusted with the liberty and welfare of their country. To interrupt the debate on a subject so important as that before us, is, in some measure, to obstruct the public happiness, and violate our trust: But much more heinous is the crime of exposing our determinations to contempt, and inciting the people to suspicion or mutiny, by indecent reflections, or unjust insinuations.

I do not, Sir, undertake to decide the controversy between the two gentlemen, but must be allowed to observe, that no diversity of opinion can justify the violation of decency, and the use of rude and virulent expressions; expressions dictated only by resentment, and uttered without regard to——

Mr. *Pitt* called to order, and said:

Sir; if this be to preserve order, there is no danger of indecency from the most licentious tongue; for what calumny can be more atrocious, or what reproach more severe, than that of speaking with regard to any thing but truth. Order may sometimes be broken by passion, or inadvertency, but will hardly be re-established by monitors like this, who cannot govern his own passion, whilst he is restraining the impetuosity of others.

Happy, Sir, would it be for mankind, if every one knew his own province; we should not then see the same man at once a criminal and a judge; nor would this gentleman assume the right of dictating to others what he has not learned himself.

That I may return in some degree the favour which he intends me, I will advise him never hereafter to exert himself on the subject of order; but whenever he finds himself inclined to speak on such occasions, to remember how he has now succeeded, and condemn in silence what his censures will never perform.

Mr. *Winnington*:

Sir; as I was hindered by the gentleman's ardour and impetuosity from concluding my sentence, none but myself can know the equity or partiality of my intentions, and therefore, as I cannot justly be condemned, I ought to be supposed innocent; nor ought he to censure a fault of which he cannot be certain that it would ever have been committed.

He has, indeed, exalted himself to a degree of authority never yet assumed by any member of this House, that of condemning others to silence. I am henceforward, by his inviolable decree, to sit and hear his harangues without daring to oppose him. How wide he may extend his authority, or whom he will proceed to include in the same sentence, I shall not determine; having not yet arrived at the same degree of sagacity with himself, not being able to foreknow what another is going to pronounce.

If I had given offence by any improper sallies of passion, I ought to have been censured by the concurrent voice of the House, or have received a reprimand, Sir, from you, to whom I should have submitted without opposition; but I will not be doomed to silence by one who has no pretensions to authority, and whose arbitrary decisions can only tend to introduce uproar, discord and confusion.

Mr. *Henry Pelham*:

Sir; when in the ardour of controversy upon interesting questions, the zeal of the disputants hinders them from a nice observation of decency and regularity, there is some indulgence due to the common weakness of our nature; nor ought any gentleman to affix to a negligent expression a more offensive sense than is necessarily implied by it.

To search deep, Sir, for calumnies and reproaches is no laudable nor beneficial curiosity; it must always be troublesome to ourselves, by alarming us with imaginary injuries; and may often be unjust to others, by charging them with invectives which they never intended. General candour and mutual tenderness will best preserve our own quiet, and support that dignity which has always been accounted essential to national debates, and seldom infringed without dangerous consequences.

Mr. *Lyttelton*:

Sir; no man can be more zealous for

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decency than myself, or more convinced of the necessity of a methodical prosecution of the question before us. I am well convinced how near indecency and faction are to one another, and how inevitably confusion produces obscurity; but I hope it will always be remembered, that he who first infringes decency, or deviates from method, is to answer for all the consequences that may arise from the neglect of parliamentary customs. For it is not to be expected that any man will bear reproaches without reply, or that he who wanders from the question will not be followed in his digressions, and hunted through his labyrinths.

It cannot, Sir, be denied, that some insinuations were uttered, injurious to those whose zeal may sometimes happen to prompt them to warm declarations, or to incite them to passionate emotions. Whether I am of importance enough to be included in the censure, I despise it too much to enquire or consider, but cannot forbear to observe, that zeal for the right can never become reproachful, and that no man can fall into contempt but those who deserve it.

The Clause was amended and agreed to.

March 13. Sir John Barnard presented a Petition from the merchants of London, against the Bill, and spoke as follows:

Sir; this Petition I am directed to lay before this House by many of the principal merchants of that great city which I have the honour to represent; men too wise to be terrified with imaginary dangers, and too honest to endeavour the obstructions of any measures that may probably advance the public good, merely because they do not concur with their private interest; men, whose knowledge and capacity enable them to judge rightly, and whose acknowledged integrity and spirit set them above the suspicion of concealing their sentiments.

I therefore present this Petition in the name of the merchants of London, in full confidence that it will be found to deserve the regard of this House, though I am equally with the other members a stranger to what it contains; for it is my opinion that a representative is to lay before the House the sentiments of his constituents, whether they agree with his own or not, and that therefore it would have been superfluous to examine the Petition, which, though I might not wholly have approved it, I had no right to alter.

The Petition was then read, setting forth, "That the petitioners are informed, that a Bill is depending in this House, for the encouragement and increase of seamen, and for the better and speedier manning his majesty's fleet, in which are clauses, that should the Bill pass into a law, will, as the petitioners apprehend, be highly detrimental to the trade and navigation of this kingdom; and that the petitioners are persuaded, that the only effectual and speedy method of procuring, for the service of his majesty's fleet, a proportionable number of the sailors in this kingdom, is, to distinguish that body of men by bounties and encouragements, both present and future, and by abolishing all methods of severity; and that the petitioners believe, it will not be difficult to have such methods pointed out as will tend to supply the present necessities, and at the same time effectually promote the increase of seamen: and praying, that the petitioners may be heard, by their counsel, against the said clauses in the said Bill."—Ordered, that the said Petition do lie upon the table.

Mr. *Bathurst* then presented a Petition, and spoke as follows:

Sir; the alarm which the Bill now depending has raised, is not confined to the city of London, or to any particular province of his majesty's dominions; the whole nation is thrown into commotions, and the effects of the law now proposed are dreaded far and wide as a general calamity. Every town which owes its trade and its provisions to navigation, apprehends the approach of poverty and scarcity, and those which are less immediately affected, consider the infraction of our liberties as a prelude to their destruction. Happy would it be, if we, who are entrusted with their interest, could find any arguments to convince them that their terror was merely panic.

That these fears have already extended their influence to the county which I represent, the Petition which I now beg leave to lay before the House, will sufficiently evince, and I hope their remonstrances will prevail with this assembly to remove the cause of their disquiet, by rejecting the Bill.

This was entitled a Petition of several gentlemen, freeholders, and other inhabitants of the county of Gloucester, in behalf of themselves, and all other the freeholders of the said county, alleging,

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"That there are many clauses in the said Bill, which, as the petitioners conceive, are subversive of the laws and liberties of this kingdom; and representing to the House their apprehensions, that the said Bill, should it pass into a law, will totally destroy the breed of seamen, by whom only this nation can be defended, and its trade and commerce carried on; and that, at the same time that it will not answer the exigencies of state, it will be productive of much inconvenience and bloodshed: and therefore expressing their hope, that the said Bill will not pass into a law."

Mr. *Henry Pelham*:

Sir; I have attended to this Petition with the utmost impartiality, and have endeavoured to affix to every period the most innocent sense, but cannot forbear to declare it as my opinion that it is far distant from the stile of submission and request; instead of persuading, they attempt to intimidate us, and menace us with no less than bloodshed and rebellion. They make themselves the judges of our proceedings, and appeal from our determinations to their opinion, and declare that they will obey no longer than they approve.

If such Petitions as these, Sir, are admitted; if the legislature shall submit to receive laws, and subjects resume at pleasure the power with which the government is vested, what is this House but a Convention of empty phantoms, whose determinations are nothing more than a mockery of state?

Every insult upon this House is a violation of our constitution; and the constitution, like every other fabric, by being often battered, must fall at last. It is indeed already destroyed, if there be in the nation any body of men who shall with impunity refuse to comply with the laws, plead the great charter of liberty against those powers that made it, and fix the limits of their obedience.

I cannot, Sir, pass over in silence the mention of his majesty, whose title to the throne, and the reasons for which he was exalted to it, are set forth with uncommon art and spirit of diction, but spirit, which, in my opinion, appears not raised by zeal, but by sedition, and which therefore it is our province to repress.

That his majesty reigns for the preservation of liberty, will be readily confessed, but how shall we able to preserve it, if his laws are not obeyed?

Let us therefore, in regard to the dignity of this House, to the efficacy of our determinations, and the security of our constitution, discourage all those who shall address us for the future on this or any other occasion, from speaking in the stile of governors and dictators, by refusing that this Petition should be laid on the table.

The question was put, and it was agreed that it should not lie on the table.

Mr. *Pelham* rose again, and said:

Sir; I cannot but congratulate the House upon the unanimity with which this Petition, a petition of which I speak in the softest language, when I call it irreverent and disrespectful, has been refused the regard commonly paid to the remonstrances of our constituents, whose rights I am far from desiring to infringe, when I endeavour to regulate their conduct, and recal them to their duty.

This is an occasion, on which it is, in my opinion, necessary to exert our authority with confidence and vigour, as the spirit of opposition must always be proportioned to that of the attack. Let us therefore not only refuse to this petition the usual place on our table, but reject it as unworthy of this House.

The question was put, and the Petition rejected.

The House then entered upon the consideration of the Bill, and when the Report was made from the committee, and the blanks filled up,

Sir *William Yonge* rose and said:

Sir; the Bill has been brought by steady perseverance and diligent attention to such perfection, that much more important effects may be expected from it than from any former law for the same purpose, if it be executed with the same calmness and resolution, the same contempt of popular clamour, and the same invariable and intrepid adherence to the public good, that has been shewn in forming and defending it.

But what can we hope from this or any other law, if particular men, who cannot be convinced of its expedience, shall not only refuse to obey it, but declare their design of obstructing the execution of it? shall determine to retire from the sphere of their authority, rather than exercise it in compliance with the decree of the parliament, and threaten in plain terms to call

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the country in to their assistance, and to pour the rabble by thousands upon those who shall dare to do their duty, and obey their governors?

Such declarations as these, Sir, are little less than sallies of rebellion, and if they pass without censure, will perhaps produce such commotions as may require to be suppressed by other means than forms of law and parliamentary censures.

Nor do I think that by rejecting the Petition, we have sufficiently established our authority; for, in my opinion, we yielded too much in receiving it. The Bill before us, whatever may be its title, is in reality a money-bill, a bill by which aids are granted to the crown, and we have therefore no necessity of rejecting Petitions on this occasion, because the standing orders of the House forbid us to admit them.

The House then proceeded to the Amendments, and when the Clause for limiting the Wages of Seamen was read,

Sir *John Barnard* said:

Sir; we are now to consider the clause to which the Petition relates which I have now presented, a Petition on a subject of so general importance, and offered by men so well acquainted with every argument that can be offered, and every objection that can be raised, that their request of being heard by their counsel, cannot be denied, without exposing us to the censure of adhering obstinately to our own opinions, of shutting our ears against information, of preferring expedients to security, and disregarding the welfare of our country.

It will not be necessary to defer our determinations on this clause for more than three days, though we should gratify this just and common request. And will not this loss be amply compensated by the satisfaction of the people, for whose safety we are debating, and by the consciousness that we have neglected nothing which might contribute to the efficacy of our measures?

The merchants, Sir, do not come before us with loud remonstrances and harrassing complaints, they do not apply to our passions but our understandings, and offer such informations as will very much facilitate the public service. It has been frequent, in the course of this debate, to hear loud demands for better expedients, and more efficacious than those which have been proposed, and is it to be conceived that those who called thus eagerly for new proposals intended not to inform themselves but to silence their opponents?

From whom, Sir, are the best methods for the prosecution of naval affairs to be expected, but from those whose lives are spent in the study of commerce? whose fortunes depend upon the knowledge of the sea, and who will most probably exert their abilities in contriving expedients to promote the success of the war, than they whom the miscarriage of our fleets must irreparably ruin?

The merchants, Sir, are enabled by their profession to inform us, are deterred by their interest from deceiving us; they have, like all other subjects, a right to be heard on any question, and a better right than any other when their interest is more immediately affected; and therefore to refuse to hear them, will be at once impolitic and cruel; it will discover at the same time a contempt of the most valuable part of our fellow-subjects, and an inflexible adherence to our own opinions.

The expedient of asserting this to be a money bill, by which the just remonstrances of the merchants are indeed to be eluded, is too trivial and gross to be adopted by this parliament; if this Bill can be termed a money Bill, and no petitions are therefore to be admitted against it, I know not any Bill relating to the general affairs of the nation which may not plead the same title to an exemption from petitions.

I therefore desire that the consideration of this clause may be deferred for two days, that the arguments of the merchants may be examined, and that this affair may not be determined without the clearest knowledge and exactest information.

Sir *Robert Walpole:*

Sir; the Petition, whether justifiable or not, with regard to the occasion on which it is presented, or the language in which it is expressed, is certainly offered at an improper time, and therefore can lay no claim to the regard of this House.

The time prescribed by the rules of this House for the reception of petitions is that, at which the Bill is first introduced, not at which it is to be finally determined.

The Petition before us is said not to regard the Bill in general, but a particular clause; and it is therefore asserted, that it may now properly be heard; but this plea will immediately vanish, when it shall be made appear that the clause is not mentioned in it, and that there is no particular

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relation between that and the Petition, which I shall attempt——

Sir *John Barnard:*

Sir; I rise thus abruptly, to preserve the order of this House, and to prevent any gentleman from having in this debate any other advantage above the rest, than that of superior abilities, or more extensive knowledge.

The Petition was not ordered by the House to be placed in the right hon. gentleman's hand, but on the table; nor has he a right to make use of any other means for his information, than are in the power of any other member: if he is in doubt upon any particulars contained in it, he may move, That the clerk should read it to the House.

[Sir Robert Walpole laid down the Paper.]

Mr. *Henry Pelham:*

Sir; I am so far from thinking the rules of the House asserted, that, in my opinion, the right of the member is infringed by this peremptory demand. Is it not in the highest degree requisite, that he who is about to reason upon the Petition, should acquaint himself with the subject on which he is to speak?

What inconveniences can ensue from such liberties as this, I am not able to discover, and as all the orders of the House are, doubtless, made for more easy and expeditious dispatch; if an order be contrary to this end, it ought to be abrogated for the reasons for which others are observed.

The confidence with which this Petition was presented, will not suffer us to imagine that the person who offered it fears that it can suffer by a close examination, and, I suppose, though he has spoken so warmly in favour of it without perusing, he does not expect that others should with equal confidence admit——

Sir *John Barnard* observing that sir Robert Walpole leaned forward towards the table, to read the Petition as it lay, rose, and said:

Sir; I rise once more to demand the observation of the orders of the House, and to hinder the right hon. gentleman from doing by stratagem, what he did more openly and honestly before.

It was to little purpose that he laid down the Petition, if he placed it within the reach of his inspection; for I was only desirous, Sir, to hinder him from reading, and was far from suspecting that he would take it away. I insist, that henceforward he obey the rules of this House with his eyes as well as with his hands, and take no advantage of his seat, which may enable him to perplex the question in debate.

The *Speaker:*

Sir; it is undoubtedly required by the orders of the House, that the Petitions should lie upon the table, and that any member, who is desirous of any farther satisfaction, should move, that they be read by the clerk, that every member may have the same opportunity of understanding and considering them, and that no one may be excluded from information by the curiosity or delays of another. But the importance of this affair seems not to be so very great as to require a rigorous observance of the rules; and it were to be wished, for the ease and expedition of our deliberations, gentlemen would rather yield points of indifference to one another, than insist so warmly on circumstances of a trivial nature.

Sir Robert Walpole then desired that the clerk might read the Petition, which being immediately done, he proceeded in the following manner:

Sir *Robert Walpole:*

Sir; having sat above forty years in this assembly, and never been called to order before, I was somewhat disconcerted by a censure so new and unexpected, and, in my opinion, undeserved. So that I am somewhat at a loss, with regard to the train of arguments which I will now endeavour to recover. Yet I cannot but remark, that those gentlemen who are so solicitous for order in others, ought themselves invariably to observe it; and that, if I have once given an unhappy precedent of violating the rules of this House, I have, in some measure, atoned for my inadvertence, by a patient attention to reproof, and a ready submission to authority.

I hope, Sir, I may claim some indulgence from the motive of my offence, which was only a desire of accuracy, and an apprehension that I might, by mistaking or forgetting some passages in the Petition, lose my own time, and interrupt the proceedings of the House to no purpose.

But having now, according to order, heard the Petition, and found no reason to

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alter my opinion, I shall endeavour to convince the House, that it ought not to be granted.

The Petition, Sir, is so far from bearing any particular relation to the clause now before us, that it does not in any part mention the expedient proposed in it, but contains a general declaration of discontent, suspicion, apprehensions of dangerous proceedings, and dislike of our proceedings: insinuations, Sir, by no means consistent with the reverence due to this assembly, and which the nature of civil government requires always to be paid to the legislative power.

To suspect any man, Sir, in common life, is in some degree to detract from his reputation, which must suffer in proportion to the supposed wisdom and integrity of him who declares his suspicion. To suspect the conductof this House, is to invalidate their decisions, and subject them to contempt and opposition.

Such and such only appears to be the tendency of the Petition which has now been read; a Petition, Sir, very unskilfully drawn, if it was intended against the clause under our consideration, for it has not a single period or expression that does not equally regard all the other clauses.

If any particular objection is made, or any single grievance more distinctly pointed at, it is the practice of impresses; a hardship I own peculiar to the sailors; but it must be observed, that it is a practice established by immemorial custom, and a train of precedents not to be numbered; and it is well known that the whole common law of this nation is nothing more than customs, of which the beginning cannot be traced.

Impresses, Sir, have in all ages been issued out by virtue of the royal prerogative, and have in all ages been obeyed; and if this exertion of that authority had been considered as a method of severity not compensated by the benefits which it produces, we cannot imagine but former parliaments, amidst all their ardour for liberty, all their tenderness for the people, and all their abhorrence of the power of the crown, would have obviated it by some law, at those times when nothing could have been refused them.

The proper time for new schemes and long deliberations, for amending our constitution, and removing inveterate grievances, are the days of prosperity and safety, when no immediate danger presses upon us, nor any public calamity appears to threaten us; but when war is declared, when we are engaged in open hostilities against one nation, and expect to be speedily attacked by another, we are not to try experiments, but apply to dangerous evils those remedies, which, though disagreeable, we know to be efficacious.

And though, Sir, the petitioners had been more particular, I cannot discover the reasonableness of hearing them by their counsel; for to what purpose are the lawyers to be introduced? not to instruct us by their learning, for their employment is to understand the laws that have been already made; and support the practices which they find established. But the question before us relates not to the past but to the future; nor are we now to examine what has been done in former ages, but what it will become us to establish on the present occasion: a subject of enquiry on which this House can expect very little information from the professors of the law!

Perhaps the Petitioners expect from their counsel, that they should display the fecundity of their imagination, and the elegance of their language; that they should amuse us with the illusions of oratory, dazzle us with bright ideas, affect us with strong representations, and lull us with harmonious periods; but if it be only intended that just facts and valid arguments should be laid before us, they will be received without the decorations of the bar. For this end, Sir, it would have been sufficient had the merchants informed their representatives of the methods which they have to propose; for the abilities of the gentlemen whom the city has deputed to this House, are well known to be such as stand in need of no assistance from occasional orators. Nor can it be expected that any men will be found more capable of understanding the arguments of the merchants, or better qualified to lay them before the House.

That every petitioner has (except on Money-bills) a right to be heard, is undoubtedly true; but it is no less evident that this right is limited to a certain time, and that on this occasion the proper time is elapsed. Justice is due both to individuals and to the nation; if petitions may at any time be offered, and are whenever offered to be heard, a small body of men might, by unseasonable and importunate petitions, retard any occasional law, till it should become unnecessary.

Petitions, Sir, are to be offered when a new bill is brought into the House, that all

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useful information may be obtained; but when it has passed through the examination of the committees, has been approved by the collective wisdom of the parliament, and requires only a formal ratification to give it the force of law, it is neither usual nor decent to offer petitions, or declare any dislike of what the parliament has admitted.

We are not, when we have proceeded *thus* far, to suffer pleaders to examine our conduct, or vary our determinations, according to the opinions of those whom we ought to believe less acquainted with the question than ourselves: should we once be reduced to ask advice, and submit to dictators, what would be the reputation of this House in foreign courts, or in our own country? What could be expected but that our enemies of every kind would endeavour to regulate our determinations by bribing our instructors.

Nor can I think it necessary that lawyers should be employed in laying before us any scheme which the merchants may propose, for supplying the defects and redressing the inconveniencies of the laws, by which sailors are at present levied for the royal navy: for how should lawyers be more qualified than other men, to explain the particular advantages of such expedients, or to answer any objections which may happen to arise?

It is well known that it is not easy for the most happy speaker to impress his notions with the strength with which he conceives them; and yet harder is the task of transmitting imparted knowledge, of conveying to others those sentiments which we have not struck out by our own reflection, nor collected from our own experience, but received merely from the dictates of another.

Yet such must be the information that lawyers can give us, who can only relate what they have implicitly received, and weaken the arguments which they have heard, by an imperfect recital.

Nor do I only oppose the admission of lawyers to our bar, but think the right of the merchants themselves in the present case very questionable; for though in general it must be allowed, that every petitioner has a claim to our attention, yet it is to be enquired whether it is likely that the public happiness is his chief concern, and whether his private interest is not too much affected to suffer him to give impartial evidence, or honest information. Scarcely any law can be made by which some man is not either impoverished, or hindered from growing rich; and we are not to listen to complaints, of which the foundation is so easily discovered, or imagine a law less useful, because those who suffer some immediate inconvenience from it, do not approve it.

The question before us is required by the present exigence of our affairs to be speedily decided; and though the merchants have, with great tenderness, compassion, and modesty, condescended to offer us their advice, I think expedition preferable to any information that can reasonably be expected from them, and that, as they will suffer in the first place by any misconduct of our naval affairs, we shall shew more regard to their interest by manning our fleet immediately, than by waiting three or four days for farther instructions.

Mr. *Sandys*;

Sir; the merchants of London, whether we consider their numbers, their property, their integrity, or their wisdom, are a body of too much importance to be thus contemptuously rejected; rejected when they ask nothing that can be justly denied to the meanest subject of the kingdom; when they propose to speak on nothing but what their profession enables them to understand.

To no purpose is it urged, that the Bill is far advanced; for if we have not proceeded in the right way, we ought to be in more haste to return, in proportion as we have gone farther; nor can I discover why we should expedite, with so much assiduity, measures which are judged ineffectual, by those who know their consequences best, and for whose advantage they are particularly designed.

That we have already spent so much time in considering methods for manning the fleet, is surely one reason why we should endeavour at last to establish such as may be effectual; nor can we hope to succeed without a patient attention to their opinion, who must necessarily be well experienced in naval affairs.

It is surely therefore neither prudent nor just to shut out intelligence from our assemblies, and ridicule the good intention of those that offer it; to consult upon the best expedients for encouraging and increasing sailors, and when the merchants offer their scheme, to treat them as saucy, impertinent, idle meddlers, that assume—



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Mr. Attorney-General *Ryder:*

Sir; it is not very consistent to press the dispatch of business, and to retard it at the same time by invidious insinuations, or unjust representations of arguments or expressions; whenever any expression is censured, it ought to be repeated in the same words; for otherwise does not the animadverter raise the phantom that he encounters? Does he not make the stain, which he endeavours with so much officious zeal to wipe away?

That no epithets of contempt or ridicule have in this debate been applied to the merchants, nor any violation of decency attempted, it is unnecessary to prove; and therefore it is neither regular nor candid to represent any man as aggravating the refusal of their petition with reproaches and insults. But not to dwell longer on this incident, I will take the liberty of reminding the gentleman, that personal invectives are always at least superfluous, and that the business of the day requires rather arguments than satire.

Mr. *Sandys:*

Sir; I am by no means convinced that the learned gentleman who charges me with irregularity, is better acquainted than myself with the rules and customs of this House, which I have studied with great application, assisted by long experience. I hope, therefore, it will be no inexcusable presumption, if, instead of a tacit submission to his censure, I assert, in my own vindication, that I have not deviated from the established rules of parliament; that I have spoken only in defence of merit insulted; and that I have condemned only such injurious insinuations; I did not, Sir, attempt to repeat expressions, as ought not to be heard without reply.

The *Speaker:*

Sir; I believe the gentleman either heard imperfectly, or misunderstood those expressions, which he so warmly condemns, for nothing has been uttered that could justly excite his indignation. My office obliges me on this occasion to remark, that the regard due to the dignity of the House ought to restrain every member from digressions into private satire; for in proportion as we proceed with less decency, our determinations will have less influence.

Mr. *Henry Pelham:*

Sir; the reputation which the hon. gentleman has acquired by his uncommon knowledge of the usages of parliament, is too well founded to be shaken; nor was any attack upon his character intended, when he was interrupted in the prosecution of his design. To censure any indecent expression, by whomsoever uttered, is doubtless consistent with the strictest regularity; nor is it less improper to obviate any misrepresentation which inattention or mistake may produce.

I am far, Sir, from thinking that the gentleman's indignation was excited rather by malice than mistake; but mistakes of this kind may produce consequences which cannot be too cautiously avoided. How unwillingly would that gentleman propagate through the nation an opinion that the merchants were insulted in this House, their interest neglected, and their intelligence despised, at a time when no aspersion was thrown upon them, nor any thing intended but tenderness and regard? And yet such had been the representation of this day's debate, which this numerous audience would have conveyed to the populace, had not the mistake been immediately rectified, and the rumour crushed in the birth.

Nothing, Sir, can be more injurious to the character of this House, by which the people are represented, than to accuse them of treating any class of men with insolence and contempt; and too much diligence cannot be used in obviating a report which cannot be spread in the nation, without giving rise to discontent, clamours, and sedition.

Those who shall be inclined to reject the Petition, may perhaps act with no less regard to the merchants, and may promote their interest and their security with no less ardour than those who most solicitously labour for its reception. For, if they are not allowed to be heard, it is only because the public interest requires expedition, and because every delay of our preparations is an injury to trade.

That this is not a proper time for petitions against the Bill to be heard, is universally known, and I can discover nothing in the Petition that restrains it to this particular clause, which is so far from being specified, that it appears to be the only part of the Bill of which they have had no intelligence.

Let the warmest advocates for the Petition point out any part of it that relates to this single clause, and I will retract my assertion; but as it appears that there are



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only general declarations of the inexpediency of the measures proposed, and the pernicious tendency of the methods now in use, what is the Petition but a complaint against the Bill, and a request that it should be laid aside?

The practice of impresses, Sir, is particularly censured, as severe and oppressive; a charge which, however true, has no relation to this clause, which is intended to promote the voluntary engagement of sailors in the service of the crown; yet it may not be improper to observe, that as the practice of impressing is in itself very efficacious, and well adapted to sudden emergencies, as it has been established by a long succession of ages, and is therefore become almost a part of our constitution; and as it is at this time necessary to supply the navy with the utmost expedition, it is neither decent nor prudent to complain too loudly against, or to heighten the discontent of the people at a necessary evil.

We have, Sir, examined every part of this Bill with the attention which the defence of the nation requires; we have softened the rigour of the methods first proposed, and admitted no violence or hardship that is not absolutely necessary to make the law effectual, which, like every other law, must be executed by force, if it be obstructed or opposed. We have inserted a great number of amendments, proposed by those who are represented as the most anxious guardians of the privileges of the people, and it is not surely to no purpose that the great council of the nation has so long, and so studiously laboured.

Those who are chosen by the people to represent them, have undoubtedly, Sir, some claim as individuals to their confidence and respect; for to imagine that they have committed the great charge of parliamentary employments, that they have trusted their liberties and their happiness to those whose integrity they suspect, or whose understandings they despise, is to imagine them much more stupid than they have been represented by those who are censured as their enemies.

But far different is the regard due to the determinations formed by the collective wisdom of the parliament; a regard which ought to border upon reverence, and which is scarcely consistent with the least murmur of dissatisfaction.

If we are to hear the present petitioners, is it not probable that before we have dispatched them, we shall be solicited by others, who will then plead the same right, supported by a new precedent? And is it not possible that by one interruption upon another, our measures may be delayed, till they shall be ineffectual?

It seems to me to be of much more importance to defend the merchants than to hear them, and I shall therefore think no concessions at this time expedient, which may obstruct the great end of our endeavours, the equipment of the fleet.

Mr. *Pulteney:*

Sir; notwithstanding the art and eloquence with which the grant of the merchants' petition has been opposed, I am not yet able to discover that any thing is asked unreasonable, unprecedented, or inconvenient; and I am confident, that no real objection can have been overlooked by the gentlemen who have spoken against it.

I have spent, Sir, 35 years of my life in parliament, and know that information has always upon important questions been willingly received; and it cannot surely be doubted that the petitioners are best able to inform us of naval business, and to judge what will be the right method of reconciling the sailors to the public service, and of supplying our fleets without injuring our trade.

Their abilities and importance have been hitherto so generally acknowledged, that no parliament has yet refused to attend to their opinion, and surely we ought not to be ambitious of being the first House of the representatives of the people, that has refused an audience to the merchants.

With regard to the expediency of delaying the Bill at the present conjuncture; he must think very contemptuously of the petitioners, who imagines that they have nothing to offer that will counterbalance a delay of two days, and must entertain an elevated idea of the vigilance and activity of our enemies, enemies never before eminent for expedition, if he believes that they can gain great advantages in so short a time.

The chief reason of the opposition appears, indeed, not to be either the irregularity or inexpediency of hearing them, but the offence which some have received from an irreverent mention of the power of impressing; a power which never can be mentioned without complaint or detestation.

It is not, indeed, impossible that they may intend to represent to the House, how

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much the sailors are oppressed, how much our commerce is impeded, and how much the power of the nation is exhausted by this cruel method. They may propose to shew that sailors, not having the choice of their voyages, are often hurried through a sudden change of climates from one extreme to another, and that nothing can be expected from such vicissitudes, but sickness, lameness, and death. They may propose, that to have just arrived from the South may be pleaded as an exemption from an immediate voyage to the North, and that the seaman may have some time to prepare himself for so great an alteration, by a residence of a few months in a temperate climate.

If this should be their intention, it cannot, in my opinion, Sir, be called either unreasonable, or disrespectful, nor will their allegations be easily disproved.

But it is insinuated that their grievances are properly such as affect them only as distinct from the rest of the community, and that they have nothing to complain of but a temporary interruption of their private advantage.

I have, indeed, no idea of the private advantage of a legal trader. For unless, Sir, we neglect our duty of providing that no commerce shall be carried on to the detriment of the public, the merchants' profit must be the profit of the nation, and their interests inseparably combined.

It may, however, be possible, that the merchants may, like other men, prefer their immediate to their greater advantage, and may be impatient of a painful remedy, though necessary to prevent a more grievous evil. But let us not censure them by suspicion, and punish them for a crime which it is only possible they may commit; let us, Sir, at least, have all the certainty that can be obtained, and allow them an audience; let us neither be so positive as not to receive information, nor so rigorous as not to listen to entreaties.

If the merchants have nothing to offer, nothing but complaints; and can propose no better measures than those which they lament; if their arguments should be found to regard only their present interest, and to be formed upon narrow views and private purposes, it will be easy to detect the imposture, and reject it with the indignation it shall deserve; nor will our proceedings be then censured by the nation, which requires not that the merchants should be implicitly believed, though it expects they should be heard. Let us at least have a convention, though we should not be able to conclude a treaty.

I know not, Sir, why we have not taken care to obviate all these difficulties, and to remove the necessity of petitions, debates, searches and impresses, by the plain and easy method of a voluntary register; by retaining such a number of seamen as may properly be requisite upon sudden emergencies. Would not the nation with more cheerfulness contribute half-pay to those who are daily labouring for the public good, than to the caterpillars of the land-service, that grow old in laziness, and are disabled only by vice?

Let ten thousand men receive daily a small salary, upon condition that they shall be ready, whenever called upon, to engage in the service of the crown, and the difficulty of our naval preparations will be at an end.

That it is necessary to exert ourselves on this occasion, and to strike out some measures for securing the dominion of the ocean, cannot be denied by any one who considers that we have now no other pretensions to maintain; that all our influence on the continent, at whatever expence gained and supported, is now in a manner lost, and only the reputation of our naval strength remains to preserve us from being trampled and insulted by every power, and from finding Spaniards in every climate.

Sir *William Yonge*:

Sir; the violence and severity of impresses, so often and so pathetically complained of, appears to be now nothing more than a punishment inflicted upon those who neglect or refuse to receive the encouragement offered with the utmost liberality by the government, and decline the service of their country from a spirit of avarice, obstinacy, or resentment.

That such men deserve some severities, cannot be doubted, and therefore a law by which no penalty should be enacted, would be imperfect and ineffectual. The observation, Sir, of all laws is to be enforced by rewards on one side, and punishments on the other, that every passion may be influenced, and even our weakness made instrumental to the performance of our duty.

In the Bill before us no punishment is indeed expressly decreed, because the sailors who shall disregard it, are only left to their former hardships, from which those who engage voluntarily in the service of the navy are exempted.

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Why so many rewards and so much violence should be necessary to allure or force the sailors into the public service, I am unable to comprehend. For, excepting the sudden change of climates, which may doubtless sometimes bring on distempers, the service of the king has no disadvantages which are not common to that of the merchants.

The wages in the navy are indeed less, but then it is to be remembered, that they are certainly paid, and that the sailor is in less danger of losing by a tempest, or a wreck, the whole profits of his voyage, because, if he can preserve his life, he receives his pay. But in trading voyages, the seamen mortgage their wages, as a security for their care, which, if the ship is lost, they are condemned to forfeit.

Thus, Sir, the hardships of the navy appear not so great when compared with those of the merchants service, as they have been hitherto represented; and I doubt not, that if counsellors were to be heard on both sides, the measures taken for supplying the fleet would be found to be reasonable and just.

Sir John Barnard rose to speak, when

Mr. *Fox* called to order, and proceeded thus:

Sir; it is well known to be one of the standing and unvariable orders of this House, that no member shall speak twice in a debate on the same question, except when, for greater freedom, we resolve ourselves into a committee. Upon this question, the hon. gentleman has already spoken, and cannot therefore be heard again, without such a transgression of our orders as must inevitably produce confusion.

Sir *John Barnard:*

Sir; I know not for what reason the hon. gentleman apprehends any violation of the order of the House; for as I have not yet spoken upon the present question, I have an undoubted right to be heard; a right which that gentleman cannot take away.

Sir *William Yonge:*

Sir; I know not by what secret distinction the gentleman supports in his own mind this declaration, which to the whole House must appear very difficult to be defended; for we must, before we can admit it, allow our memories to have forsaken us, and our eyes and ears to have been deceived.

Did he not, as soon as the Clause before us was read, rise and assert the characters of the petitioners, and their right to the attention of the House? Did he not dwell upon their importance, their abilities, and their integrity; and enforce, with his usual eloquence, every motive to the reception of the petition? How then can he assert that he has not spoken in the present debate, and how can he expect to be heard a second time, since, however his eloquence may please, and his arguments convince, that pleasure and conviction cannot now be obtained, without infringing the standing orders of the House.

Mr. *Speaker:*

Sir; it is not without uneasiness that I see the time of the House and of the public, wasted in fruitless cavils and unnecessary controversies. Every gentleman ought now to consider that we are consulting upon no trivial question, and that expedition is not less necessary than accuracy. It cannot be denied, Sir, [to sir John Barnard] that you have already spoken on this question, and that the rules of the House do not allow you to speak a second time.

Sir *Robert Walpole:*

Sir; I am far from thinking the order of the House so sacred, as that it may not be neglected on some important occasions; and if the gentleman has any thing to urge so momentous, that, in his own opinion, it outweighs the regard due to our rules, I shall willingly consent that he shall be heard.

Sir *John Barnard:*

Sir; I am far from being inclined to receive as a favour, what in my own opinion, I may claim as a right; and desire not to owe the liberty of speaking to the condescension of the right hon. gentleman.

What I have to urge is no less against the Bill in general than the particular Clause now immediately under our consideration, and though the petition should relate likewise to the whole Bill, I cannot discover why we should refuse to hear it.

Petitions from men of much inferior rank, and whose interest is much less closely connected with that of the public, have been thought necessary to be heard, nor is the meanest individual to be injured or restrained without being admitted to offer his arguments in his own favour. Even the journeymen-shoemakers, one of

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the lowest classes of the community, have been permitted to bring their counsel to our bar, and remonstrate against the inconveniences to which they were afraid of being subjected.

Mr. *Winnington:*

Sir; I am always willing to hear petitions, when respectfully drawn up, and regularly subscibed, but can by no means discover that this is a real petition, for I have heard of no names affixed to it, it is therefore a request from nobody, and by rejecting it no man is refused. It may, so far as can be discovered, be drawn up by the gentleman who offered it, and perhaps no other person may be acquainted with it.

Mr. *Hay:*

Sir; it is in my opinion necessary that a petition in the name of the merchants of London should be subscribed by the whole number, for if only a few should put their names to it, how does it appear that it is any thing more than an apprehension of danger to their own particular interest, which perhaps the other part, their rivals in trade, may consider as an advantage, or at least regard with indifference. This suspicion is much more reasonable, when a petition is subscribed by a smaller number, who may easily be imagined to have partial views, and designs not wholly consistent with the interest of the public.

Sir *Charles Wager:*

Sir; if I am rightly informed, another petition is preparing by several eminent merchants, that this Clause may stand as part of the Bill; and certainly they ought to be heard as well as the present petitioners, which will occasion great and unecessary delays, and therefore I am against the motion.

Mr. *Campbell:*

Sir; I agree with that hon. gentleman that if the merchants are divided in opinion upon this point, one side ought to be heard as well as the other, and hope the House will come to a resolution for that purpose. For I shall invariably promote every proposal which tends to procure the fullest information in all affairs that shall come before us.

Then the question was put, That the further consideration of the report be adjourned to the 16th; it passed in the negative.

It was likewise moved, that clause A, which limits Seamens Wages in the merchants service at 35*s.* per month, be rejected: after debate, it passed in the negative: on a division, Ayes 127, Noes 183. Resolved, that clause A do stand a part of the said Bill.

On the Report the eleven clauses of severity were given up without any division, and a clause was added, viz. "Provided that nothing in the Bill shall extend to contracts for hire of seamen in voyages from parts beyond the seas, or to Great Britain."

Ordered, That the Bill with the Amendments be engrossed.

March 28. The said Bill engrossed was read according to order, when

Mr. *Digby* rose and said:

Sir; I have a clause to be offered to the House as necessary to be inserted in the Bill before us, which was put into my hands by a member, whom a sudden misfortune has made unable to attend his duty, and which, in his opinion and mine, is of great importance, and I shall therefore take the liberty of reading it: "Be it enacted that every seaman offering himself to serve his majesty, shall, upon being refused, receive from such captain, lieutenant, or justice of the peace, a certificate, setting forth the reasons for which he is refused, which certificate may be produced by him, as an exemption from being seized by a warrant of impress."

I hope the reasonableness and equity of this clause is so incontestably apparent that it will find no opposition; for what can be more cruel, unjust, or oppressive, than to punish men for neglect of a law which they have endeavoured to obey. To what purpose are rewards offered, if they are denied to those who come to claim them? What is it less than theft, and fraud, to force a man into the service who would willingly have entered, and subject him to hardships without the recompence which he may justly demand from the solemn promises of the legislature.

Sir *Charles Wager:*

Sir; to this clause, which the gentleman has represented as so reasonable and just, objections may, in my opinion, be easily made, of which he himself will acknowledge the force. The great obstruction of

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public measures is partiality, whether from friendship, bribery, or any other motive; against partiality alone the clause which is now offered is levelled, and indeed it is so dangerous an evil, that it cannot be obviated with too much caution.

But this clause, instead of preventing private correspondence, and illegal combinations, has an evident tendency to produce them, by inciting men to apply with pretended offers of service to those who are before suborned to refuse them, then make a merit of their readiness, and demand a certificate.

By such artifices multitudes may exempt themselves from the impress who may be known to be able sailors, even by those that conduct it, and may, under the protection of a certificate fallaciously obtained, laugh at all endeavours to engage them in the public service.

Mr. *Digby:*

Sir; if this authority, lodged in the hands of those who are proposed in the clause to be entrusted with it, be in danger of being executed without due regard to the end for which it is granted, let it be placed where there is neither temptation nor opportunity to abuse it. Let the admiralty alone have the power of granting such certificates, the officers of which will be able to judge whether the sailor is really unfit for the service, and deliver those whom age or accidents have disabled from the terror of impresses; for surely, he that is fit to serve, when taken by violence, is no less qualified when he enters voluntarily, and he who could not be admitted when he tendered himself, ought not to be dragged away, when perhaps he has contracted for another voyage.

Sir *Charles Wager:*

Sir; it is, doubtless, more proper to place such authority in the officers of the admiralty, than in any other; but it does not appear that the benefit which the sailors may receive from it, to whatever hands it is entrusted, will not be overbalanced by the injury which the public will probably suffer.

Sailors are frequently levied in remote parts of the kingdom; in ports where the admiralty cannot speedily be informed of the reasons for which those that may petition for certificates have been refused, and therefore cannot grant them without danger of being deceived by fraudulent accounts.

The grievances for which the remedy is proposed cannot frequently occur; for it is not probable that in a time of naval preparations any man qualified for the service should be rejected, since the officers gain nothing by their refusal.

Mr. *Hay:*

Sir; it is very possible that those instances which may be produced of men, who have been impressed by one officer, after they have been rejected by another, may be only the consequences of the high value which every man is ready to set upon his own abilities. For he that offers himself, no doubt, demands the highest premium, though he be not an able sailor; and if rejected, and afterwards impressed as a novice, thinks himself at liberty to complain with the most importunate vehemence, of fraud, partiality, and oppression.

The question being put, was resolved in the negative.

Then Mr. Southwell offered a clause, importing, "That all sailors who should take Advance-money of the merchants, should be obliged to perform their agreements, or be liable to be taken up by any magistrate or justice of the peace, and deemed deserters, except they were in his majesty's ships of war." He was seconded by

Lord *Gage*, as follows:

Sir; as this clause has no other tendency than to promote the interest of the merchants, without obstructing the public preparations; as it tends only to confirm legal contracts, and facilitate that commerce from whence the wealth and power of this nation arises, I hope it will readily be admitted; as we may, by adding this sanction to the contracts made between the merchants and sailors, in some degree, balance the obstructions wherewith we have embarrassed trade by the other clauses.

Sir *Charles Wager:*

Sir; this clause is unquestionably reasonable, but not necessary, for it is to be found already in an act made for the encouragement of the merchants, which is still in force, and ought whenever any such frauds are committed, to be rigorously observed.

Sir Robert Walpole then desired that the clerk might read the act, in which the clause being accordingly found, Mr. Southwell withdrew his motion.

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Then the question was put, That the Bill do pass; it was resolved in the affirmative, 153 against 79.

*Debate in the Lords on altering a Turnpike Bill sent from the Commons.**] March 12. The order of the day being read, for receiving the Reports from the several Committees to whom the Bills relating to Turnpikes were committed:

The earl of Findlater accordingly reported from the Committee to whom the

* *From the Secker Manuscript.*

March 12. Several Turnpike Bills committed for this day.

*Abingdon.* Moved to put the duke of Somerset's name as a commissioner in one of them.

*Carteret.* The Commons will not throw out all these Bills for being thus altered. This appears upon the face of it to be a Private Bill, if it were not for the clause that makes it a public one. As a further proof, it pays fees. And this sort of Bills were first ordered to be printed in the statute book about 1715. Now no Private Bill can be a Money Bill. The Commons questioned once whether we could alter penalties, but that we carried from the reason of the thing. Felony is a pecuniary penalty: therefore the Lords could not appoint that, if they could not appoint pecuniary penalties. Never make a declaration of your right to alter these Bills if you do not alter them. It would be a declaration of our weakness 'quibus malis im-'pares sumus.' Amend all or none.

*Newcastle.* Do not make an amendment you would not have thought of, merely to assert your right. In 1707 an Amendment was made in a Bedfordshire Bill and a conference had, and the Lords receded. In 1711, the same thing happened again in a Bill of like nature. One of these Bills hath cost the parties 12 or 1,300*l.* It is pity they should lose this. They did not know our way of thinking: now it will be known. Whenever you have made Amendments you have afterwards receded. The notion that we cannot alter these Bills is of all things the most absurd. A declaration against it will be a general notice.

*Abingdon.* Better a hardship should fall upon the parties than upon this House. If we have receded, we should do it no longer. Only one declaration would be of service, and that would not be parliamentary one, that we will not receive any of these Bills from the Commons. There hath not been, and probably will not be, of many years, such an opportunity as this. The parties concerned who desire here that we should not amend, will desire when these Bills go back to the Commons, that our amendments should be admitted. There are two peers now in the House that have been Commissioners of Turnpikes since they were peers.

*Finlater.* The House hath a right to alter all Bills: but the question is about the exercise of that right. Resolve on all proper occasions to alter but never for alteration's sake.

*Delawar.* I am sorry for the debate: but it is of great consequence. Since the Restoration the Lords have amended several Bills for Aids to the crown. That I am afraid you will not attempt to do. I should be glad to see it restored to us. Formerly we inserted Clauses, and Conferences were held whether we had a right to begin such Bills. We receded and made protestations to no purpose. Then we amended Bills; again Conference, Recession, protestations of fundamental, inherent, undoubted right: but still the Commons carried their point. In 1707 we receded; in 1711 again; but these were single bills and had not weight: a number might have carried it. If people will know your intentions from your declarations, they may know it from them already. Solicitations have often prevailed against reasonable amendments, for fear of a bill's being rejected. You have never receded from a persuasion of your having no right. The argument from the benefit of commerce will weigh as much elsewhere as here. In amending you will do only what you have a right to do. In rejecting the Bill because it is amended, the Commons will do what they have no right to do.

*Aylesford.* You declare you have a right which the Commons deny, and which you will not exercise. In a coronation the duke of Aquitain and Normandy is a great part of the shew: but it is only a shew. About 14 or 15 years ago there was a Bill to amend the roads in Warwickshire: they chose new commissioners: the late Speaker Bromley desired me to act. I was elected and do act. And if the commissioners may elect a peer, your lordships may put in one.

*Hardwicke*, C. Here are 10 or 12 bills of great consequence depending. You have a right to amend plain Money bills in the money part. And I hope you will never give it up. But this is not a Money bill. In a parliamentary sense they only are such which grant money to the crown. Money bills are public in their nature. This is the most maintainable point that can be. But be your right never so strong, never make any Amendment but where it can be supported by reason: not do it because you will. This is a Bill for the continuance of a turnpike: the Commissioners have a power by it to elect new ones, and you are putting in one. There is no instance in which such a thing hath been done, and it is unworthy of you to substitute yourselves, instead of the Commissioners to whom you have given this power. Suppose the Commons should demand a Conference, what reason will you give them? The Amendment in the Bribery Bill was not made to assert the right of the House. If I saw the other House amend a Bill merely for the sake of amending it, I would not agree to the Amendment. And if the Commons do not

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Bill, intituled, "An Act for enlarging the term and powers granted by an act passed in the 12th year of the reign of his late majesty king George the first, intituled, 'An Act for repairing and widening the 'road from Horsely Upright Gate, leading 'down Bowden Hill, in the county of 'Wilts, to the top of Kingsdown hill, in 'the parish of Box, in the said county,' was committed: 'That they had considered 'the said Bill, and examined the allegations 'thereof, which they found to be true: and 'that the Committee had gone through the 'Bill, and directed him to report the 'same to the House, without any amend-'ment.'

Then it was moved, to insert in the said Bill, after the words ["trustees appointed, or to be appointed, to put the said former and this present act into execution,"] these words, *videlicet*, ["and the most noble Charles duke of Somerset."]

Which being objected to; after debate: the question was put, whether those words shall be there inserted? It was resolved in the negative.

*The King's Speech to both Houses for a Vote of Credit in support of the Pragmatic Sanction,* and for a Subsidy to the Queen*

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agree to this, are you sure what may be the weight of solicitations, afterwards made to you to recede? Power is vested in each part for the sake of the whole. If the crown should exert its power for the sake of exerting, that would look ill. Never any single man or body of men get any thing by exerting power so.

*Abingdon.* The duke of Somerset may be hurt by the Commissioners, and therefore should be amongst them. Whenever the king's prerogative is denied, surely the Chancellor would advise him to exert it for that reason.

*Argyle.* Lords have explained this to be a right without a remedy. For declarations have been always ineffectual. The Commons had been used to send you Money bills with clauses of a different nature. The Lords in 1722 declared that annexing such Clauses tends to the destruction of this government. And yet there are such bills every session and you pass them. The approach of the end of this parliament, passed the Place Bill in the House of Commons. Why may it not pass this? Either say that it is not your privilege, or that you dare not defend it, or do it to purpose.

N. C. 41. Of whom bishops of Glocester, Oxford, Bristol.
C. 41.

Chancellor 'præsumitur pro negante.'

Proxies N. C. 24.
C. 12.

N. B. The Speaker of the House of Commons told me that the Poor Bill 43 Eliz. came from the Lords: but that the Commons had made their present claim ever since the Restoration, and could not possibly give it up, though some things had passed since the Restoration inadvertently that were contrary to it.

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* "That the reader may be able to judge of the propriety of the measures now entered into by his majesty, it is necessary to lay before him what was then passing in the continent of Europe. Never were two princes worse paired by nature for the tranquillity of Europe, than his Prussian majesty and the queen of Hungary. Joined to the most obstinate tenaciousness of what he conceived to be his right, and the most determined resolution in pursuing it, his father had left him the richest prince, in ready money, in Europe, by which he was enabled at this time to keep on foot 100,000 men. Her Hungarian majesty, with equal tenaciousness and equal obstinacy, was more haughty, and little disposed to reason upon any point that ruffled the pride of that house to which she was the heiress, which pride she inherited to the utmost. She was then full both of spirits and resentment, active in her person, and engaging in her manners towards her own subjects; and indeed such had been the mismanagements of the court of Vienna towards the latter end of her father's reign, that she had now little or nothing else but the affections of her subjects to depend upon for opposing the numerous claimants to her territories that were daily starting up around her. It was with great difficulty that some of the coolest heads in her court prevailed with her and her husband to give a civil answer to the king of Prussia's proposals. In the answer she gave, she blamed him as being the beginner of her calamities, and reproached him as breaking his guarantee of the pragmatic sanction. She observed, that the consent to the diminution of her hereditary countries, was a very unlikely method of conciliating the friendship of Russia and the maritime powers. She civilly declined the services of his Prussian majesty in favour of her husband at the approaching election of emperor, which she said ought to be free, and according to the rules prescribed by the golden bull; and she shrewdly observed, that it was not usual for one prince to force another to accept of money, by carrying war into their dominions, for which reason she declined all the pecuniary assistance tendered her. Lastly, after some forced acknowledgments of the high value she set upon his Prussian majesty's friendship, she fairly told him, she would not consent to quit with one inch of Silesia, and exhorted him to withdraw his troops from thence, as the only means of preserving or restoring the tranquillity of the empire.—It was with great concern the court of England understood this obstinacy of her Hungarian majesty, and they would gladly



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*of Hungary,*† *&c.*] April 8. The King went to the House of Lords, and, the Commons being sent for, made the following Speech to both Houses:

"My lords, and gentlemen;

"At the opening of this session, I took notice to you of the death of the late Emperor, and of my resolution to adhere to the engagements I am under, in order to the maintaining of the balance of power, and the liberties of Europe, on that important occasion. The assurances I received from you, in return to this communication, were perfectly agreeable to that zeal and vigour which this parliament has always exerted, in the support of the honour and interest of my crown and kingdoms, and of the common cause.

"The war which has since broke out, and been carried on, in part of the Austrian dominions, and the various and extensive claims which are publicly made on the late Emperor's succession, are new events, that require the utmost care and attention, as they may involve all Europe in a bloody war; and, in consequence, expose the dominions of such princes as shall take part in support of the Pragmatic Sanction, to imminent and immediate danger. The queen of Hungary has already made a requisition of the 12,000 men expressly stipulated by treaty. And thereupon I have demanded of the king of Denmark, and of the king of Sweden as landgrave of Hesse Cassel, their respective bodies of troops, consisting of 6,000 men each, to be in readiness to march forthwith, to the assistance of her Hungarian majesty. I am also concerting such measures as may obviate and disappoint all dangerous designs and attempts that may be forming, or carried on in favour of any unjust pretensions, to the prejudice of the House of Austria. In this complicated and uncertain state of things, many incidents may arise, during the time when, by reason of the approaching conclusion of this parliament, it may be impossible for me to have your advice and assistance, which may make it necessary for me to enter into still larger expences for maintaining the Pragmatic Sanction. In a conjuncture so critical, I have thought it proper to lay these important considerations before you; and to desire the concurrence of my parliament, in enabling me to contribute in the most effectual manner to the support of the queen of Hungary; the preventing, by all reasonable means, the subversion of the House of Austria; and to the maintaining the liberties and balance of power in Europe.

"Gentlemen of the House of Commons;

"I must recommend it to you, to grant me such a Supply as may be requisite for these ends: and the just concern and readiness, which I have constantly found in you, to make all necessary provisions for the public good and our common security, leave me no room to doubt of the same good disposition and affection in this instance.

"My lords, and gentlemen;

"I am persuaded, I need say no more, to recommend these considerations to you, which so necessarily arise from the present situation of affairs: I shall therefore only add, that whatever expences may be incurred on this occasion, shall be made in as frugal a manner as possible; and an account thereof shall be laid before the next parliament."

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have made up the breach between her and Prussia upon the footing which the latter had proposed. Nay, his Prussian majesty even had ordered intimations to be made at the court of Britain, that he was ready to advance upon the terms he had offered. His Britannic majesty now saw the disagreeable dilemma into which he was brought, of either abandoning the interest of the queen of Hungary, (and thereby incurring the imputation of sacrificing the pragmatic sanction) or of dividing himself from a powerful ally and a near relation. He chose the part which prudence and honour dictated." Tindal.

† "The only parliamentary measure in this session which deserves further notice, was the grant of a Subsidy to the queen of Hungary, which finally involved England in a war with France. It was undoubtedly neither consonant to the wishes or sentiments of the minister, who had earnestly exerted himself to bring about an accommodation between Prussia and Austria, to promote a measure calculated to encourage the obstinacy of Maria Theresa, at a moment when she seemed wavering and irresolute. But the voice of the nation loudly echoed the unceasing cry of opposition in favour of Maria Theresa. The king was alarmed for his German dominions, the majority of the cabinet inclined to vigorous measures, and it was imagined that a decided resolution of parliament to support the house of Austria, would intimidate the king of Prussia, and induce him to lower his terms of accommodation.—In consequence of these prevailing sentiments, the king opened the subject in a Speech from the throne."—Coxe's Memoirs of Sir Robert Walpole.

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*Debate in the Lords on an Address of Thanks for the King's Speech*.*] April 9. The Lords having taken the king's Speech into consideration, agreed, after debate, upon the following Address:

"Most gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your majesty our most humble thanks, for your most gracious Speech from the throne; and for your majesty's great attention and care for the preservation of the balance of power, and the peace and liberties of Europe, in which the tranquillity and security of these kingdoms are so nearly interested.

"We cannot but express our great con-

* *From the Secker Manuscript.*

April 9. Consideration of the King's Speech.

*Cholmondeley.* It may be said we are only one power of many, and should go hand in hand with them. But in the two late great wars, the first step was made by England. And till we take the lead, other powers will not stir. In the late War there were Votes of Credit and Confidence for 6 years. And in 1706, money was voted to pay what was due upon Treaties made or to be made. And we gave the late king assurance of securing his German Dominions if attacked on account of the interest of these nations. Motion,

"To Address that we will contribute to the defence of the Pragmatic Sanction in the most effectual manner, and secure the King's German Dominions, &c."

*Argyle.* Let the Vote of Credit, March 28, 1733-4, be read. I shall use but few words, because all will have no other effect than shewing that I scorn to sacrifice the interest of my country to make my court. The legal power of the crown is sufficient. Nor can liberty subsist with adding one grain more. Now this motion adds to the crown a parliamentary power during the recess. It is designed to be put in practice every year. And giving money is giving all. You had as good play the part of the Senate of Denmark. Extraordinary powers given have always ended in slavery. There never was a Vote of Credit before queen Anne's time, and not above 2 or 3 then. The thing was brought in fashion in the late king's reign, and hath been carried on with great zeal by the present administration. Lords in ministerial offices have been tender in speaking on the Pragmatick sanction. I believe that is a shoeing-horn for 50 other purposes that cannot be plainly spoke out. Every honest man wishes it could be supported. You are bound to do it with a certain force, and if that be not sufficient with all your strength. But this was agreed in concert with others, and you are not to do more and stand alone. The queen of Hungary would have been much better satisfied with money. She hath men enough to drive the king of Prussia into the sea, but for want of money cannot get 10,000 of them together. She may have been told, You shall have men and some money into the bargain. If every thing had been laid before us, we should have known how this was. Men can do her no good. It was an easy matter to have secured the House of Austria in 1733-4. Then there was a Vote of Credit for it, and we raised a few more men at home and have kept them ever since, and this was all. Will you trust money for supporting this House into the hands of those who have pulled it down? Indeed, now we cannot support the House of Austria. In the two late wars we did not declare ourselves till we made Alliances with all with whom we acted afterwards. Now all other powers either act against us, or declare they will do nothing. Ogle's squadron have shewn they had not orders to fall upon the French, but treated them very civilly after some rudeness on their side. If we have driven the ministry into a Spanish war, shall we drive the people into a German war? This motion is only for the same end with the Hanover Treaty and Baltic Squadron. Convince the king that you are resolved to assist him against every power that shall disturb him and Britain.

*Cholmondeley.* This is the only way to retrieve the Dutch. What keeps them from resolving is the fear of a Stadtholder.

*Newcastle.* Something of the nature of Votes of Credit is necessary in a war, &c. - - -, were made before, though there was no provision made for them, and this was not thought so right a way. Neither such care in the manner of giving, nor such assurance of account as now, yet then less occasion than now. In the beginning of the late war a great prince was brought over. So it may be now. Our treaty with the court of Vienna was without any contingency of what others would do, nor did we engage to defend only all that the House of Austria was rightfully in possession of, but all it was actually possessed of. The Dutch were admitted as originally contracting parties, and they obtained that the assistance should be specified, which it was not before: but if that was not sufficient, then *totis viribus*. The Pragmatic Sanction is disturbed by the power we could least have wished. The Austrian minister asked not for money but for Danes and Hessians: but I believe a great number of other troops will be sent abroad. It is not easy to bring the states of Holland to act a right part for themselves. When they augment, we shall be obliged by treaty to send our contingent. The Russians have signified their resolutions even to France, of standing by the Pragmatic Sanction. And a great number of Russians are now marching near the scene of war. Though the king may wish the dispute

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cern, that a war has broke out, and is carried on, in part of the Austrian dominions: and we are highly sensible of your majesty's royal wisdom, in the resolution you have been pleased to declare, for the maintenance of the Pragmatic Sanction, and the assistance of the queen of Hungary.

"We assure your majesty, that, in case it shall become necessary to enter into still further expences in so just a cause, your majesty may depend on our zealous and cheerful concurrence, in enabling your

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now subsisting accommodated, yet he cannot force the queen of Hungary. But if this matter were made up, the case is not clear, and we must do the same things we do now. If we go no farther than our quota the House of Austria will have little to hope. Great bodies of troops are assembling in places where they can be of no other use, than to put a stop to our engagements by putting the king's dominions in danger. Let not the king or his family ever be tempted, or suspected of being tempted, to do nothing in cases that concern this nation lest their own dominions should suffer.

*Chesterfield.* This is a question of the greatest importance that ever came before this House. I say so not of course, but seriously. And perhaps of greater than may ever come before it again, if this motion pass. I am against it, 1. as it contains a Vote of Credit. 2. on account of the time. Votes of Credit are a modern ministerial invention, not known 30 years ago. And in queen Anne's time, there were no Votes of Credit before the war was entered into, nor of five years after, and the administration then had acquired the confidence of the nation. What fruit have we had from any Vote of Credit yet? That in 1733-4, was to do nothing that was done, but it was in the last session of a parliament. It was said to be given for the House of Austria, but they were not the better for it. We have above 70,000 national troops in our pay, which is more than in the late war, and 12,000 hired troops. These were not raised for the war with Spain. Let the queen of Hungary have what she hath demanded. But if you support the Pragmatic Sanction alone, you will ruin yourselves and do nobody good. The Dutch say that your measures for pulling down the House of Austria, have been so effectual that there is no cure. You have already strength, more than enough to do what is wanted in conjunction with allies, and you cannot do it without. It is said the queen of Hungary hath demanded men. If so, she knows how they can come at her. But then what is this money for? Are you to buy alliances? If they are right ones they will be approved by the next parliament. Votes of Credit have been made and an account promised, and then secresy hath been urged and no account given. Votes of Credit are safer for ministers, and therefore were introduced, but not safe for the public. The Treaty of Hanover produced these frequent Votes of Credit for troops and services of no use to Britain. That part of the motion which relates to the king's dominions, answers to no demand in his Speech. There is no more need of mentioning Hanover than any other ally. The German dominions are not a subject extremely popular. The nation is prepossessed, perhaps too much, that they have been the occasion of expensive measures. Doing any thing to strengthen this suspicion will make our measures disagreeable. In alliances you defend your allies or divert the enemy from them, as well as you can. Now the Hanoverians are not ourselves, but our allies.

We are now going to a new election. The spirit of the nation can only be brought to chuse a parliament agreeable to the administration by a deluge of gold. And this is one of the exhalations that are to form those showers. The queen of Hungary will have the smallest part of this money, and it is easy to puzzle accounts, so that out of 5 or 600,000*l.* something may be saved for the purpose of elections.—Though I am against this motion, yet I am for a dutiful Address to his majesty.

*Hardwicke, C.* If I did not think this would be executed as a British measure, nothing should induce me to be for it. It is not true that one grain cannot be safely added to the crown. I could name powers that have been taken away and had better be there. This is not a Vote of Credit or Confidence. There could be no Votes of Credit till the clauses of Appropriation came into acts of parliament, which was after the Revolution. The ministers were forbidden to apply money to any other purposes than the specified purposes there mentioned; which they were not forbidden before. Votes of Credit strictly are to enable the crown to contract a debt to be answered by parliament hereafter. But this is a demand of a Supply for purposes specified just as much as at the beginning of a session.—If you say nothing to the king on this occasion, all must drop. Let there be ever so much help, you must go farther than your 12,000 men, and the queen of Hungary may want both troops and money. It would have been improper for the king to demand security for his dominions, but he hath hinted it sufficiently; and by giving it, you enable him to act with spirit. The parliament hath restrained the king from making an alliance with the elector of Hanover, as he can with any other prince. Therefore the parliament should enable him to put his dominions upon a level with others. For why should they be in a worse condition because he is our king? I have no suspicion that the money will be applied to any other purpose than that for which it is given. It must be accounted for: and no promises of accounts made from the throne have been broken.

*Carteret.* If this be not done, the queen of Hungary will throw herself into the arms of

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majesty to contribute, in the most effectual manner, to the support of the queen of Hungary; and to the preventing, by all reasonable means, the subversion of the house of Austria, the ancient and natural ally of the British crown.

"We think ourselves obliged, upon this occasion, to renew the professions of our most dutiful and inviolable fidelity; and to give your majesty the strongest assurances, that, if any part of your dominions, although not belonging to the crown of Great Britain, should be attacked or insulted by any prince or power whatsoever, in resentment of the just and necessary measures which your majesty hath taken, or shall take, for maintaining the Pragmatic Sanction, we are determined to exert ourselves to the utmost, in defending and protecting such dominions from any such attacks or insults."

*The King's Answer.*] To this Address the King gave the following Answer:

"My lords; I thank you very kindly for this most seasonable and dutiful Address. The true concern you shew, for the assistance of the queen of Hungary, and the support of the house of Austria, is very agreeable to me.

"The assurance you give me, in relation to my territories abroad, is a strong proof of your affection to me: and you may depend on my making no other use of the confidence you repose in me, than to enable me to act with vigour in maintaining the Pragmatic Sanction, and in the preservation of the balance and liberties of Europe, and of our common interest and security."

*Debate in the Commons on an Address of Thanks for the King's Speech**.] The Commons being returned to their House,

Mr. *Clutterbuck* rose and said:

Sir; the present confusion in Europe, the known designs of the French, the numerous claims to the Austrian dominions, the armies which are levied to support them, and the present inability of the queen of Hungary to maintain those rights which descend to her from her ancestors, and have been confirmed by all the solemnity of treaties, evidently require an uncommon degree of attention in our consultations, and of vigour in our proceedings.

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*France.* It is a great misfortune that this was not the Speech at the beginning of the session: then the king of Prussia would not have begun. It shall never be imputed to me that I bury the house of Austria without burying my own country at the same time. The king of Prussia will be told, Will you lose the friendship of England for ever? The late minister of Russia was disgraced because he was slow. The present minister will act. Saxony will be - - - at once. It will secure a majority of votes. Not a word of the house of Austria was named in 1733-4. I speak with no other views than truth: that I have spoken in and out of place for 25 years. A motion was made 15th of November 1721, to see my Instructions:* I said I was willing, if the king thought it proper. It was said, things were done for the Hanover dominions; I explained the Act of Settlement as the lord on the woolsack hath now done. The 15 lords who protested on that occasion, of whom only five are now alive, allowed there might be cases, &c. [See their Protest.] The treaty was afterwards seen and approved. There never was a worse thing than the Treaty of Hanover. Therefore the Protest against securing the king's dominions upon that was right. But this is a case of nobody's seeking: it arises from the emperor's death. The king should hazard all upon it, and we should stand by him: If it were another prince what would you do: do the same now. I do not look for popularity; but am now on the popular side of the question. France is unwilling to draw the sword, but is doing all underhand. If the Austrian dominions are parcelled, France gets enough without getting an acre of land. We say to France, If you will keep your treaty you cannot complain of us: If you will not, we are safer with open doings. We are in war with Spain; this is no harm: we are likely to have one with France: but better with company than singly; and in this case we shall have company. If the house of Austria sink, we shall be forced to keep up such troops in time of peace that we must fall by them. The queen of Hungary tries you rather than France, though you have been languid so long.

*Winchelsea.* I expect good success from this motion. The changes in Russia are a proof of their good intention.

C. 76. Of whom bishops of Gloucester, Oxford, &c.

N. C. 25.

* See Vol. 7, p. 924.

* From the Gentleman's Magazine: compiled by Dr. Johnson.

"It is remarkable," says Mr. Coxe, in his Memoirs of Sir Robert Walpole, "that Chandler has omitted to mention this Debate on a Subsidy to the Queen of Hungary." Mr. Coxe has here fallen into a very excusable error. The Debate is not omitted by Chandler, but is unaccountably made to form part of another Debate on the Bill "For the Encouragement and Increase of Seamen, and for the better and speedier manning of his Majesty's Fleet."

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Whatever may be the professions of the French, their real designs are easily discovered; designs which they have carried on, either openly, or in private, for near a century, and which it cannot be expected that they will lay aside, when they are so near to success. Their view, Sir, in all their wars and treaties, alliances and intrigues, has been the attainment of universal dominion, the destruction of the rights of nature, and the subjection of all the rest of mankind; nor have we any reason to imagine that they are not equally zealous for the promotion of this pernicious scheme, while they pour troops into Germany, for the assistance of their ally, as when they wasted kingdoms, laid cities in ashes, and plunged millions into misery and want, without any other motive than the glory of their king.

But the French are not the only nation at this time labouring for the subversion of our common liberties. Our liberties, Sir, are endangered by those equally interested with ourselves in their preservation; for in what degree soever any of the princes who are now endeavouring to divide among themselves the dominions of Austria, may be pleased with the acquisition of new territories, and an imaginary increase of influence and power, it must be evident to all who are not dazzled by immediate interest, that they are only fighting for France, and that, by the destruction of the Austrian family, they must, in a short time, fall themselves.

It is well known, Sir, though it is not always remembered, that political as well as natural greatness is merely comparative, and that he only is a powerful prince, who is more powerful than those with whom he can have any cause of contention. That prince, therefore, who imagines his power enlarged by a partition of territories, which gives him some additional provinces, may be at last disappointed in his expectations. For if this partition gives to another prince already greater than himself, an opportunity of increasing his strength, in a degree proportionate to his present superiority, the former will soon find, that he has been labouring for nothing, and that his danger is still the same.

Such, Sir, is the case of the king of Prussia, who, when he has over-run that part of Germany, to which he now lays claim, will only have weakened the house of Austria, without strengthening himself.

He is at present secure in the possession of his dominions, because neither the Austrians would suffer the French, nor the French permit the Austrians to increase their power by subduing him. Thus, while the present equipoise of power is maintained, jealousy and caution would always procure him an ally whenever he should be attacked; but when, by his assistance, the Austrian family shall be ruined, we shall defend him against the ambition of France.

While the liberties of mankind are thus equally endangered by folly and ambition, attacked on one side, and neglected on the other, it is necessary for those who foresee the calamity that threatens them, to exert themselves in endeavours to avert it, and to retard the fatal blow, till those who are now lulled by the contemplation of private advantage, can be awakened into a just concern for the general happiness of Europe, and be convinced that they themselves can only be secure by uniting in the cause of liberty and justice.

For this reason, Sir, his majesty has asserted the pragmatic sanction, and promised to assist the queen of Hungary with the forces which former treaties have entitled her to demand from him; for this reason he has endeavoured to rouse the Dutch from their supineness, and excite them to arm once more for the common safety, to intimidate by new augmentations those powers whose ardour, perhaps, only subsists upon the confidence that they shall not be resisted, and to animate by open declarations in favour of the house of Austria, those who probably are only hindered from offering their assistance, by the fear of standing alone against the armies of France.

That by this conduct he may expose his dominions on the continent, to invasions, ravages, and the other miseries of war, every one who knows their situation, must readily allow; nor can it be doubted by any man, who has heard of the power of the Prussians and French, that they may commit great devastations with very little opposition, the forces of the electorate not being sufficient to give them battle. For though the fortified towns might hold out against them, that consideration will very little alleviate the concern of those who consider the miseries of a nation, whose enemies are in possession of all the open country, and who from their ramparts see their harvests laid waste, and their villages in flames. The fortifications contain the strength, but the field and the trading towns comprize the riches of a

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people, and the country may be ruined which is not subdued.

As therefore, Sir, the electoral dominions of his majesty are now endangered, not by any private dispute with the neighbouring princes, but by his firmness in asserting the general rights of Europe; as the consequences of his conduct on this occasion, will be chiefly beneficial to Great Britain, we ought surely to support him in the prosecution of this design: a design, which we cannot but approve, since our ancestors have always carried it on without regard either to the danger or the expence.

In conformity to this maxim of politics, so clearly founded in equity, and so often justified by the votes of the parliament, his majesty has been pleased to declare to us his resolution to adhere to his engagements, and oppose all attempts that may be forming in favour of any unjust pretensions to the prejudice of the house of Austria. It is for this end he desires the concurrence of his parliament. I hope every gentleman in this House will agree with me, that we ought to declare our approbation of these measures, in such terms, as may shew the world, that those who shall dare to obstruct them, must resolve to incur the resentment of this nation, and expose themselves to all the opposition which the parliament of Great Britain can send forth against them. We ought to pronounce that the territories of Hanover will be considered on this occasion as the dominions of Great Britain, and that any attack on one or the other will be equally resented. I therefore move, "That an humble Address be presented to his majesty, to return his majesty the thanks of this House, for his most gracious speech from the throne; to express our dutiful sense of his majesty's just and due regard for the rights and interest of the queen of Hungary; and for maintaining the pragmatic sanction; to declare our concurrence with his majesty in the prudent measures which his majesty is pursuing, for the support of the common cause, and for the preservation of the liberties and balance of power in Europe; to acknowledge his majesty's wisdom and resolution, in not suffering himself to be diverted from steadily persevering in his just purposes of fulfilling the engagements which his majesty has entered into with the house of Austria; and to assure his majesty that, in justice and vindication of the honour and dignity of the British crown, this House will effectually stand by and support his majesty against all insults and attacks which any prince or power, in resentment of the just measures which his majesty has so wisely taken, shall make upon any of his majesty's territories or dominions, though not belonging to the crown of Great Britain; and further to assure his majesty, that, in any future events which may arise from this uncertain state of things, and which may make it necessary for his majesty to enter into still larger expences, this House will enable his majesty to contribute, in the most effectual manner, to the support of the queen of Hungary, to the preventing, by all reasonable means, the subversion of the house of Austria, and to the maintaining the Pragmatic Sanction, and the liberties and balance of Europe."

Mr. *Stephen Fox:*

Sir; the expediency, if not the necessity of the Address now moved for, will, I believe, be readily allowed by those who consider the just measures which are pursued by his majesty, the end which is intended by them, and the powers by which they are opposed.

How much it is our duty to support the house of Austria it is not necessary to explain to any man who has heard the debates of this assembly, or read the history of the last war. How much it is our duty to support it, is evident as soon as it is known by whom it is attacked; by the ancient enemy of these nations, by the general disturber of the universe, by the formidable oppressors of liberty, exulting in new acquisitions, enflamed with the madness of universal monarchy, and elated with an opportunity of subjecting Germany, by exalting to the supreme power a prince who shall hold his authority only by their permission.

The house of Austria, which has so often stood forth in defence of our common rights, which has poured armies into the field in confederacy with Great Britain, to suppress the insolence of that family, which nothing could satisfy but boundless power, now demands the assistance which it has so often afforded; that assistance is demanded from us by every claim which the laws of society can enact, or the dictates of nature can suggest, by treaties maturely considered, and solemnly confirmed, by the ties of ancient friendship, and the obligations of common interest.

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To violate the public faith, and to neglect the observation of treaties, is to sink ourselves below barbarity, to destroy that confidence which unites mankind in society. To deny or evade our stipulations, Sir, is to commit a crime which every honest mind must consider with abhorrence, and to establish a precedent which may be used hereafter to our own destruction.

To forsake an ally, only because we can receive no immediate advantage from his friendship, or because it may be in some degree dangerous to adhere to him; to forsake him when he most wants our good offices, when he is distressed by his enemies, and deserted by others, from whom he had reason to hope for kinder treatment, is the most despicable, the most hateful degree of cowardice and treachery.

The obligations of interest, Sir, it is not often needful to enforce; but it may be observed on this occasion, that a single year of neglect may never be retrieved. We may, Sir, now be able to support those whom, when once dispossessed, it will not be in our power to restore; and that if we suffer the House of Austria to be overborne, our posterity, through every generation, may have reason to curse our injudicious parsimony, our fatal inactivity, and our perfidious cowardice.

With what views the king of Prussia concurs in the French measures, or upon what principles of policy he promises to himself any security in the enjoyment of his new dominions, it is not easy to conjecture; but as it is easy to discover, that whatever he may propose to himself, his conduct evidently tends to the ruin of Europe, so he may, in my opinion, justly be opposed, if he cannot be diverted or made easy.

Nor can we, Sir, if this opposition should incite him, or any other power to an invasion of his Majesty's foreign dominions, refuse them our protection and assistance. For as they suffer for the cause which we are engaged to support, and suffer only by our measures, we are, at least, as allies, obliged by the laws of equity, and the general compacts of mankind, to arm in their defence; and what may be claimed by the common right of allies, we shall surely not deny them, only because they are more closely united to us, because they own the same monarch with ourselves.

Mr. *Pulteney*:

Sir; with what eagerness the French snatch every opportunity of increasing their influence, extending their dominions, and oppressing their neighbours, the experience of many years has convinced all Europe; and it is evident that, unless some power be preserved in a degree of strength nearly equal to theirs, their schemes, pernicious as they are, cannot be defeated.

That the only power from which this opposition can be hoped is the house of Austria, a very superficial view of this part of the globe will sufficiently demonstrate; of this we were long since so strongly convinced, that we employed all our forces, and all our politics to aggrandize this house. We endeavoured not only to support it in all its hereditary rights, but to invest it with new sovereignties, and extend its authority over new dominions.

Why we afterwards varied in our councils and our measures, I have long enquired without any satisfaction, having never, Sir, with the utmost application, been able to discover the motives to the memorable treaty of Hanover, by which we stipulated to destroy the fabric that we had been so long, and so laboriously endeavouring to erect; by which we abandoned that alliance, which we had so diligently cultivated, which we had preferred to peace, plenty, and riches, and for which we had cheerfully supported a tedious, a bloody, and an expensive war.

This conduct, Sir, raises a greater degree of admiration, as the authors of it had exhausted all their eloquence in censuring the treaty of Utrecht, and had endeavoured to expose those who transacted it to the general hatred of the nation; as they always expressed in the strongest terms their dread and detestation of the French; as they animated all their harangues, and stunned their opponents with declarations of their zeal for the liberties of Europe.

By what impulse, or what infatuation, these assertors of liberty, these enemies of France, these guardians of the balance of power, were, on the sudden, prevailed on to declare in favour of the power whom they had so long thought it their chief interest and highest honour to oppose, must be discovered by sagacity superior to mine. But after such perplexity of councils, and such fluctuation of conduct, it is necessary to enquire more particularly what are the present intentions of the ministry, what alliances have been formed, and what conditions are required to be fulfilled.



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If we are obliged only to support the queen of Hungary with 12,000 men, we have already performed our engagements; if we have promised any pecuniary assistance, the sum which we have stipulated to furnish ought to be declared: for I suppose at least our engagements have some limits, and that we are not to exert all the force of the nation, to fight as if fire and sword were at our gates, or an invader were landing armies upon our coasts.

I have, Sir, from my earliest years, been zealous for the defence and exaltation of the house of Austria, and shall be very far from proposing that any danger or distress should influence us to desert it; but I do not easily discover by what means we shall be able to afford any efficacious assistance; for the power of Britain consists chiefly in naval armaments, which can be of very little use to the queen of Hungary, and I know not any state that will easily consent to unite with us on this occasion.

If there be, Sir, any states remaining in Europe which the French can neither intimidate nor bribe, we ought studiously to solicit, and diligently to cultivate their friendship, but whether any, except the Russians, are now independent, or sufficiently confident of their own strength to engage in such a hazardous alliance, may be justly doubted.

The late grand alliance, Sir, was supported at the expence of this nation alone, nor was it required from the other confederates to exhaust the treasure of their country in the common cause; I hope the debt which that war has entailed upon us, will instruct us to be more frugal in our future engagements, and to stipulate only what we may perform without involving the nation in misery, which victories and triumphs cannot compensate.

The necessity, Sir, of public œconomy obliges me to insist, that before any money shall be granted, an account be laid before the House in particular terms of the uses to which it is to be applied. To ask for supplies in general terms, is to demand the power of squandering the public money at pleasure, and to claim, in softer language, nothing less than despotic authority.

It has not been uncommon for money granted by the House to be spent without producing any of those effects which were expected from it, without assisting our allies, or humbling our enemies; and therefore there is reason for suspecting that money has sometimes been asked for one use, and applied to another.

If our concurrence, Sir, is necessary to increase his majesty's influence on the continent, to animate the friends of the House of Austria, or to repress the disturbers of the public tranquillity, I shall willingly unite with the most zealous advocates for the administration in any vote of approbation or assistance, not contrary to the act of settlement, that important and well-concerted act, by which the present family were advanced to the throne, and by which it is provided, that Britain shall never be involved in war for the enlargement or protection of the dominions of Hanover, dominions from which we never expected nor received any benefit, and for which therefore nothing ought to be either suffered or hazarded.

If it should be again necessary to form a confederacy, and to unite the powers of Europe, against the House of Bourbon, that ambitious, that restless family, by which the repose of the world is almost every day interrupted, which is incessantly labouring against the happiness of human nature, and seeking every hour an opportunity of new encroachments, I declare, Sir, that I shall not only, with the greatest cheerfulness, bear my share of the public expence, but endeavour to reconcile others to their part of the calamities of war. This, Sir, I have advanced, in confidence that sufficient care shall be taken, that in any new alliance, we shall be parties, not principals; that the expence of war, as the advantage of victory, shall be common; and that those who shall unite with us, will be our allies, not our mercenaries.

Mr. *Horatio Walpole*:*

Sir; it is not without reason that the hon. gentleman desires to be informed of the stipulations contained in the treaty by which we have engaged to support the pragmatic sanction, for I find that he either never knew them, or has forgotten them; and therefore those reasonings which he has formed upon them fall to the ground.

We are obliged, Sir, by this treaty, to supply the house of Austria with 12,000 men, and the Dutch who were engaged in it by our example, have promised a supply of 5,000. This force joined to those armies which the large dominions of that family enable them to raise, were sufficient to

* Mr. Coxe has erroneously attributed this Speech to Sir Robert Walpole.



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repel any enemy by whom their rights should be invaded.

But because in affairs of such importance nothing is to be left to hazard, because the equipoise of power, on which the liberties of almost all mankind, who can call themselves free, must be acknowledged to depend, ought to be rather certain, than barely probable; it is stipulated farther, both by the Dutch and ourselves, that if the supplies specified in the first article shall appear insufficient, we shall unite our whole force in the defence of our ally, and struggle once more for independence, with ardour proportioned to the importance of our cause.

By these stipulations, Sir, no engagements have been formed that can be imagined to have been prohibited by the act of settlement, by which it is provided, that the house of Hanover shall not plunge this nation into a war, for the sake of their foreign dominions, without the consent of the parliament; for this war is by no means entered upon for the particular security of Hanover, but for the general advantage of Europe, to repress the ambition of the French, and to preserve ourselves and our posterity from the most abject dependence upon a nation exasperated against us by long opposition, and hereditary hatred.

Nor is the act of settlement only preserved unviolated, by reason of the present alliance, but by the regular concurrence of the parliament, which his majesty has desired, notwithstanding his indubitable right of making peace and war by his own authority. I cannot therefore imagine upon what pretence it can be urged that the law, which requires that no war shall be made on account of the Hanover dominions without the consent of the parliament, is violated, when it is evident that the war is made upon other motives, and the concurrence of the parliament is solemnly desired.

But such is the malevolence with which the conduct of the administration is examined, that no degree of integrity or vigilance can secure it from censure. When in the present question truth and reason are evidently on their side, past transactions are recalled to memory, and those measures are treated with the utmost degree of contempt and ridicule, of which the greatest part of the House have probably forgotten the reasons, and of which the authors of them do not always stand up in the defence, because they are weary of repeating arguments to those who listen with a resolution never to be convinced.

How well, Sir, those by whom the ministry is opposed, have succeeded in hardening their minds against the force of reason, is evident from their constant custom of appealing from the parliament to the people, and publishing in pamphlets those arguments which they have found themselves in this assembly unable to support; a practice which discovers rather an obstinate resolution to obstruct the government, than zeal for the prosperity of their country, and which, to speak it in the softest terms, seems to be suggested more by the desire of popularity than the love of truth.

Mr. *Sandys*:

Sir; notwithstanding the confidence with which this motion has been offered and defended, notwithstanding the specious appearance of respect to his majesty, by which it is recommended, I am not ashamed to declare, that it appears to me inconsistent with the trust reposed in us by our constituents, who owe their allegiance to the king of Great Britain and not to the elector of Hanover.

It will be urged, Sir, by the people, whom we sit here to represent, that they are already embarrassed with debts contracted in a late war, from which, after the expence of many millions, and the destruction of prodigious multitudes, they received no advantage; and that they are now loaded with taxes for the support of another, of which they perceive no prospect of any happy or honourable conclusion, of either security or profit, either conquests or reprisals, and that they are therefore by no means willing to see themselves involved in any new confederacy, by which they may entail on their posterity the same calamities, and oblige themselves to hazard their fortunes and their happiness in defence of distant countries, of which many of them have scarcely heard, and from which no return of assistance is expected.

Mr. *Horatio Walpole* rose again and said:

Sir; though it is not necessary to refute every calumny that malice may invent, or credulity admit, or to answer those of whom it may reasonably be conceived that they do not credit their own accusations, I will yet rise once more in vindication of the treaty of Hanover, to shew with how

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little reason it is censured, to repress the levity of insult, and the pride of unreasonable triumph.

The treaty of Hanover, Sir, how long soever it has been ridiculed, and with whatever contempt those by whom it was negociated have been treated, was wise and just. It was just, because no injury was intended to any power, no invasion was planned, no partition of dominions stipulated, nothing but our own security desired. It was wise, because it produced the end proposed by it, and established that security which the Austrians and Spaniards were endeavouring to destroy.

The emperor of Germany, Sir, had then entered into a secret treaty of alliance with Spain, by which nothing less was designed than the total destruction of our liberties, the diminution of our commerce, the alienation of our dominions, and the subversion of our constitution. We were to have been expelled from Gibraltar, and totally excluded from the Mediterranean seas, the Pretender was to have been exalted to the throne, and a new religion, with the slavery that always accompanies it, to have been introduced amongst us, and Ostend was to have been made a port, and to have shared the poor remains of our commerce to foreign nations.

This unjust, this malicious confederacy was then opposed with the utmost vehemence by prince Eugene, whose courage and military capacity are celebrated throughout the world, and whose political abilities, and knowledge of the affairs of Europe, were equal to his knowledge of war. He urged with great force, that such a confederacy would disunite the emperor for ever from the maritime powers, by which it had been supported, and which were engaged by one common interest in the promotion of its prosperity: but his remonstrances availed nothing, and the alliance was concluded.

When our ancient allies, who had been so often succoured with our treasure, and defended by our armies, had entered into such engagements; when it was stipulated not only to impoverish but enslave us; not only to weaken us abroad, but to deprive us of every domestic comfort; when a scheme was formed that would have spread misery over the whole nation, and have extended its consequences to the lowest orders of the community, it was surely necessary to frustrate it by some alliance, and with whom could we then unite, but with France.

This is not the only fact on which gentlemen have ventured to speak with great freedom without sufficient information; the conduct of our allies in the late war has been no less misrepresented than that of our ministers in their negociations. They have been charged with imposing upon us the whole expence of the confederacy, when it may be proved, beyond controversy, that the annual charge of the Dutch was five millions.

Nor did they, Sir, only contribute annually thus largely to the common cause, but when we forsook the alliance, and shamefully abandoned the advantages we had gained, they received our mercenaries into their own pay, and expended nine millions in a single year.

Of the truth of these assertions it is easy to produce incontestable evidence, which, however, cannot be necessary to any man who reflects, that from one of the most wealthy nations in the world, the Dutch, with all their commerce, and all their parsimony, are reduced to penury and distress; for who can tell by what means they have sunk into their present low condition, if they suffered nothing by the late war?

How this gentleman, Sir, has been deceived, and to whose insinuations his errors are to be imputed, I am at no loss to discover; I hope he will by this confutation be warned against implicit credulity, and remember with what caution that man is to be trusted, whose pernicious councils have endangered his country.

Mr. *Viner*:

Sir; it is, in my opinion, an incontestable maxim, that no measures are eligible which are unjust; and that therefore, before any resolutions are formed, we ought to examine not what motives may be suggested by expedience, but what arguments may be advanced by equity on one part or the other.

If I do not mistake the true intent of the address now proposed, we are invited to declare that we will oppose the king of Prussia in his attempts upon Silesia, a declaration in which I know not how any man can concur, who knows not the nature of his claim, and the laws of the empire. It ought therefore, Sir, to have been the first endeavour of those by whom this address has been so zealously promoted, to shew that his claim, so publicly explained, so firmly urged, and so strongly supported, is without foundation in justice or in rea-

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son, and is only one of those imaginary titles, which ambition may always find to the dominions of another.

But no attempt has yet been made towards the discussion of this important question, and therefore I know not how any man can call upon us to oppose the king of Prussia, when his claim may probably be just, and, by consequence, such as, if it were necessary for us to engage in the affairs of those distant countries, we ought to join with him in asserting.

Lord *Gage:*

Sir; as no member of this House can feel a greater degree of zeal for his majesty's honour than myself, none shall more readily concur in any expression of duty adherence to him.

But I have been always taught that allegiance to my prince is consistent with fidelity to my country, that the interest of the king and the people of Great Britain are the same, and that he only is a true subject of the crown, who is a steady promoter of the happiness of the nation.

For this reason I think it necessary to declare, that Hanover is always to be considered as a sovereignty separate from that of Great Britain, and as a country with laws and interests distinct from ours; and that it is the duty of the representatives of this nation, to take care that interests so different may never be confounded, and that Great Britain may incur no expence of which Hanover alone can enjoy the advantage.

If the elector of Hanover should be engaged in war with any of the neighbouring sovereigns, who should be enabled by a victory to enter into the country, and carry the terrors of war through all his territories, it would by no means be necessary for this nation to interpose; for the elector of Hanover might lose his dominions without any disadvantage or dishonour to the king or people of Great Britain.

The Address was agreed to without division.

*Debate in the Commons on a Motion for a Subsidy to the Queen of Hungary.**] April 13. The House having resolved itself into a committee of supply,

Sir *Robert Walpole* rose and said:

Sir; the necessity of this grant appears so plainly from the bare mention of the purposes for which it is asked, that I can scarcely conceive that its reasonableness can be disputed. I can discover no principles upon which an objection to this motion can be founded, nor the least arguments by which such objections can be supported.

The indispensable obligations of public faith, the great ties by which nations are united, and confederacies formed, I cannot suppose any man inclined to invalidate. An exact performance of national promises, an inviolable adherence to facts and treaties, is enforced at once by policy and justice, and all laws both of Heaven and earth.

Public perfidy, Sir, like private dishonesty, whatever temporary advantages it may promise or produce, is always, upon the whole, the parent of misery. Every man, however prosperous, must sometimes wish for a friend; and every nation, however potent, stand in need of an ally; but all alliances subsist upon mutual confidence; and confidence can be produced only by untainted integrity, by known firmness, and approved veracity.

The use of alliances, Sir, has in the last age been too much experienced to be contested; it is by leagues well concerted, and strictly observed, that the weak are defended against the strong, that bounds are set to the turbulence of ambition, that the torrent of power is restrained, and empires preserved from those inundations of war that, in former times, laid the world in ruins. By alliances, Sir, the equipoise of power is maintained, and those alarms and apprehensions avoided, which must arise from vicissitudes of empire, and the fluctuations of perpetual contest.

That it is the interest of this nation to cultivate the friendship of the house of Austria, to protect its rights, and secure its succession; to inform it when mistaken, and to assist it when attacked, is allowed by every party. Every man, Sir, knows that the only power that can sensibly injure us by obstructing our commerce, or invading our dominions, is France, against which no confederacy can be formed, except with the house of Austria, that can afford us any efficacious support.

The firmest bond of alliances is mutual interest. Men easily unite against him whom they have all reason to fear and to

* From the Gentleman's Magazine: compiled by Dr. Johnson.

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hate, by whom they have been greatly injured, and by whom they suspect that no opportunity will be lost of renewing his encroachments. Such is the state of this nation and of the Austrians. We are equally endangered by the French greatness, and equally animated against it by hereditary animosities, and contests continued from one age to another; we are convinced that, however either may be flattered or caressed, while the other is invaded, every blow is aimed at both, and that we are divided only that we may be more easily destroyed.

For this reason we engaged in the support of the pragmatic sanction, and stipulated to secure the imperial crown to the daughters of Austria, which was nothing more than to promise, that we would endeavour to prevent our own destruction, by opposing the exaltation of a prince who should owe his dignity to the French, and in consequence of so close an alliance second all their schemes, admit all their claims, and sacrifice to their ambition the happiness of a great part of mankind.

Such would probably be the consequence, if the French should gain the power of conferring the imperial crown. They would hold the emperor in perpetual dependence, would, perhaps, take possession of his hereditary dominions as a mortgage for their expence, would awe him with the troops which they sent under a pretence of assisting him, and leave him only the title of dominion, and the shadow of empire.

In this state would he remain, whilst his formidable allies were extending their dominions on every side. He would see one power subdued after another, and himself weakened by degrees, and only not deprived of his throne, because it would be unnecessary to dethrone him; or he would be obliged to solicit our assistance to break from his slavery, and we should be obliged, at the utmost hazard, and at an expence not to be calculated, to remedy what it is, perhaps, now in our power to prevent with very little difficulty.

That this danger is too near to be merely chimerical, that the queen of Hungary is invaded, and her pretension to the imperial dignity contested, is well known; it is therefore the time for fulfilling our engagements, engagements of the utmost importance to ourselves and our posterity; and I hope the government will not be accused of profusion, if for 300,000*l.* the liberties of Europe shall be preserved.

We cannot deny this grant without acting in opposition to our late professions of supporting his majesty in his endeavours to maintain the pragmatic sanction, and of assisting him to defend his foreign dominions from any injuries to which those endeavours should expose them, for how can he without forces defend his dominions, or assist his ally? or how can he maintain forces without supplies? I therefore move, Sir, "That a sum not exceeding 300,000*l.* be granted to his majesty, for the further enabling his majesty in the most effectual manner, to support the queen of Hungary, for preventing the subversion of the house of Austria; and for the maintaining the Pragmatic Sanction, and supporting the liberties and balance of power in Europe."

Mr. *Shippen:*

Sir; as I have always endeavoured to act upon conviction of my duty, to examine opinions before I admit them, and to speak what I have thought the truth, I do not easily change my conduct or retract my assertions, nor am I deterred from repeating my arguments when I have a right to speak, by the remembrance that they have formerly been unsuccessful.

Every man when he is confident himself, conceives himself able to persuade others, and imagines that their obstinacy proceeds from other motives than reason; and that, if he fails at one time to gain over his audience, he may yet succeed in some happier moment, when their prejudices shall be dissipated, or their interest varied.

For this reason, though it cannot be suspected that I have forgotten the resentment which I have formerly drawn upon myself, by an open declaration of my sentiments, with regard to Hanover*, I stand up again, with equal confidence, to make my protestations against any interposition in the affairs of that country, and to avow my dislike of the promise lately made to defend it. A promise, inconsistent, in my opinion, with that important and inviolable law, the Act of Settlement! a promise, which, if it could have been foreknown, would perhaps have for ever precluded from the succession that illustrious family, to which we owe such numberless blessings, such continued felicity!

Far be it from me to insinuate that we can be too grateful to his majesty, or too zealous in our adherence to him; only let

* Alluding to his being sent to the Tower in the reign of George 1. See Vol. 7, p. 511,

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us remember that true gratitude consists in real benefits, in promoting the true interest of him to whom we are indebted; and surely, by hazarding the welfare of Great Britain in defence of Hanover, we shall very little consult the advantage or promote the greatness of our king.

It is well known how inconsiderable in the sight of those, by whom the succession was established, Hanover appeared, in comparison with Great Britain. Those men, to whom even their enemies have seldom denied praise for knowledge and capacity, and who have been so loudly celebrated by many, who have joined in the last address, for their honest zeal, and the love of their country, enacted, that the king of Great Britain should never visit those important territories, which we have so solemnly promised to defend, at the hazard of our happiness. It was evidently their design that our sovereign, engrossed by the care of his new subjects, a care, which, as they reasonably imagined, would arise from gratitude for dignity and power so liberally conferred, should in time forget that corner of the earth, on which his ancestors had resided, and act, not as elector of Hanover, but as king of Great Britain, as the governor of a mighty nation, and the lord of large dominions.

It was expressly determined, that this nation should never be involved in war for the defence of the dominions on the continent; and doubtless the same policy that has restrained us from extending our conquests in countries, from which some advantages might be received, ought to forbid all expensive and hazardous measures, for the sake of territories from whence no benefit can be reaped.

Nor are the purposes, Sir, for which this supply is demanded, the only objections that may be urged against it, for the manner in which it is asked, makes it necessary at least to delay it. The ministers have been so little accustomed to refusals that they have forgot when to ask with decency, and expect the treasure of the nation to be poured upon them, whenever they shall think it proper to hint, that they have discovered some new opportunity of expence.

It is necessary that when a supply is desired, the House should be informed, some time before, of the sum that is required, and of the ends to which it is to be applied, that every member may consider, at leisure, the expediency of the measures proposed, and the proportion of the sum to the occasion on which it is demanded; that he may examine what are the most proper methods of raising it, and perhaps enquire with what willingness his constituents will advance it.

Whether any man is enabled by his acuteness and experience, to determine all these questions upon momentaneous reflection, I cannot decide. For my part, I confess myself one of those, on whom nature has bestowed no such faculties, and therefore move that the consideration of this supply may be deferred for a few days. For if it be now pressed upon us, I shall vote against it, because I do not yet fully discover all the reasons for it, nor all the consequences which it may produce, and I think myself obliged to know for what purpose I give away the money which is not my own.

Mr. *Viner:*

Sir; whatever may be the necessity of maintaining the Pragmatic Sanction, or whatever the obligations of national pacts, of which I hope no man is desirous of countenancing the neglect, yet they cannot oblige us to arm without an enemy, to embarrass ourselves with watching every possibility of danger, to garrison dominions which are not invaded.

The expediency of maintaining the house of Austria on the imperial throne, it is not at present necessary to assert, because it does not appear that any other family is aspiring to it. There may indeed be whispers of secret designs and artful machinations, whispers, perhaps, spread only to affright the court into treaties, or the parliament into grants; or designs, which, like a thousand others that every day produces, innumerable accidents may defeat; which may be discovered, not only before they executed, but before they are fully formed; and which therefore are not worthy to engross much of our attention, or to exhaust the wealth of the people.

The Pragmatic Sanction is nothing more than a settlement of the imperial dignity upon the eldest daughter of the late emperor and her son; and if she has no son, upon the son of the second daughter; nor has the crown of Great Britain, by engaging to support that sanction, promised any thing more than to preserve this order of succession, which no power at present is endeavouring to interrupt, and which therefore at present requires no defence.

The dispute, Sir, between the king of

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Prussia and the queen of Hungary is of a different kind, nor is it our duty to engage in it, either as parties or judges. He lays claim to certain territories usurped, as he alleges, from his ancestors by the Austrian family, and asserts, by force, this claim; which is equally valid, whether the queen be empress or not. We have no right to limit his dominions, or obligation to examine the justice of his demands. If he is only endeavouring to gain what has been forcibly with-held from him, what right have we to obstruct his undertaking? And if the queen can shew a better title, she is, like all other sovereigns, at liberty to maintain it; nor are we necessarily to erect ourselves into judges between sovereigns, or distributors of dominion.

The contest seems to have very little relation to the Pragmatic Sanction; if the king of Prussia succeeds, he will contribute to support it; and if the queen is able to frustrate his designs, she will be too powerful to need our assistance.

But though, Sir, the Pragmatic Sanction were in danger of violation, are we to stand up alone in defence of it, while other nations, equally engaged with ourselves by interest and by treaties, sit still to look upon the contest, and gather those advantages of peace which we indiscreetly throw away? Are we able to maintain it without assistance, or are we to exhaust our country, and ruin our posterity in prosecution of a hopeless project, to spend what can never be repaid, and to fight with certainty of a defeat?

The Dutch, whose engagements and whose interests are the same as our own, have not yet made any addition to their expences, nor augmentation of their troops; nor does a single potentate of Europe, however united by long alliances to the House of Austria, or however endangered by revolutions in the empire, appear to rouse at the approach of alarm, or think himself obliged to provoke enemies by whom he is not yet injured.

I cannot therefore persuade myself that we are to stand up single in the defence of the Pragmatic Sanction, to fight the quarrel of others, or live in perpetual war, that our neighbours may be at peace.

I shall always think it my duty to disburse the public money with the utmost parsimony, nor ever intend, but on the most pressing necessity, to load, with new exactions, a nation already overwhelmed with debts, harrassed with taxes, and plundered by a Standing Army.

For what purpose these numerous forces are maintained, who are now preying on the public; why we increase our armies by land when we only fight by sea; why we aggravate the burthen of the war, and add domestic oppressions to foreign injuries, I am at loss to determine. Surely some regard should be had to the satisfaction of the people, who ought not, during the present scarcity of provisions, to be starved by the increase of an army, which seems supported only to consume them.

As therefore part of our present expence is in my opinion unnecessary, I shall not contribute to aggravate it by a new grant, for purposes of which I cannot discover that they will promote the advantage of the public.

Sir *Robert Walpole:*

Sir; the Pragmatic Sanction, which we are engaged to support, is not confined to the preservation of the order of succession, but extends to all the rights of the House of Austria, which is now attacked, and by a very formidable enemy, at a time of weakness and distraction, and therefore requires our assistance.

That others equally obliged by treaty and by interest to lend their help on this occasion, sit unactive, either through cowardice or negligence, or some prospect of temporary advantage, may, perhaps, be true; but is it any excuse of a crime, that he who commits it is not the only criminal? Will the breach of faith in others excuse it in us? Ought we not rather to animate them by our activity, instruct them by our example, and awaken them by our representations?

Perhaps the other powers say to themselves, and to one another, why should we keep that treaty which Great Britain is violating? Why should we expose ourselves to danger, of which that mighty nation, so celebrated for courage, is afraid? Why should we rush into war, in which our most powerful ally seems unwilling to support us?

Thus the same argument, an argument evidently false, and made specious only by interest, may be used by all, till some one, more bold and honest than the rest, shall dare to rise in vindication of those rights which all have promised to maintain. And why should not the greatest nation be the first that shall avow her solemn engagements? Why should not they be most diligent in the prosecution of an affair who have most to lose by its miscarriage?

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I am always willing to believe, that no member of this House makes use in any solemn debate of arguments which do not appear rational to himself; and yet it is difficult to conceive that any man can imagine himself released from a promise, because the same promise is broken by another; or that he is at liberty to desert his friend in distress, because others desert him, whose good offices he has equal reason to expect, and that the more his assistance is needed, the more right he has to deny it.

Surely such arguments as these deserve not, need not a confutation. Before we regulate our conduct by that of others, we must either prove that they have done right, which proof will be a sufficient defence without the precedent, or own that they are more capable of judging than we, and that therefore we pay an implicit submission to their dictates and example; a sacrifice which we shall not willingly make to the vanity of our neighbours.

In the present case, it is evident, that if other nations neglect the performance of their contracts, they are guilty of the breach of public faith; of a crime, that if it should generally be imitated, would dissolve society, and throw human nature into confusion, that would change the most happy region into desarts, in which one savage would be preying on another.

Nor are they only propagating an example, which in some distant times may be pleaded against themselves, but they are exposing themselves to more immediate dangers; they are forwarding designs that have no tendency but to their ruin; they are adding strength to their inveterate enemies, and beckoning invasion to their own frontiers.

Let us therefore, instead of hardening ourselves in perfidy, or lulling ourselves in security by their example, exert all our influence to unite them, and all our power to assist them. Let us shew them what they ought to determine by our resolutions, and teach them to act by our vigour; that if the house of Austria be preserved, our alliance may be strengthened by new motives of gratitude; and that, if it must be that the liberties of this part of the world be lost, we may not reproach ourselves with having neglected to defend them.

Mr. *Henry Pelham:*

Sir; it is not to be supposed that such members of this House as are not engaged in public affairs, should receive very exact intelligence of the dispositions of foreign powers, and therefore I do not wonder that the conduct of the Dutch has been misrepresented, and that they are suspected of neglecting their engagements at a time when they are endeavouring to perform them.

The Dutch have now under consideration the most proper methods of assisting the queen of Hungary, and maintaining the Pragmatic Sanction; it may be indeed justly suspected from the nature of their constitution, that their motions will be slow, but it cannot be asserted, that they break their engagements, or desert their confederates.

Nor is there any reason for imagining that the other princes who have incurred the same obligations, will not endeavour to perform their promises; it may be easily conceived that some of them are not able, at a sudden summons, to afford great assistance, and that others may wait the result of our deliberations, and regulate their conduct by our example.

Not that we ought to neglect our engagements, or endanger our country, because other powers are either perfidious or insensible; for I am not afraid to declare, that if that should happen, which there is no reason to suspect, if all the other powers should desert the defence of the Austrian line, should consent to annul the Pragmatic Sanction, and leave the queen of Hungary to the mercy of her enemies, I would advise that Great Britain alone should pour her armies into the continent, that she should defend her ally against the most formidable confederacy, and shew mankind an example of constancy not to be shaken, and of faith not to be violated.

If it be therefore our duty to support the Pragmatic Sanction, it is now the time for declaring our resolutions, when the imperial crown is claimed by a multitude of competitors, among whom the elector of Bavaria, a very powerful prince, has, by his minister, notified his pretensions to the court of Great Britain.

The ancient alliance between this prince and the French is well known; nor can we doubt that he will not now implore their assistance for the attainment of the throne to which he aspires; and I need not say what may be expected from an emperor whose elevation was procured by the forces of France.

Nor is this the only prince that claims the imperial crown upon plausible pretences, or whose claims other powers may

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combine to support; it is well known that even the Spanish monarch believes himself entitled to it, nor can we, who have no communication with him, know whether he has not declared, to all the other princes of Europe, his resolution to assert his claim.

It is far from being impossible that the pretensions of the house of Bourbon may be revived, and that, though no single prince of that family should attempt to mount the imperial throne, they may all conspire to dismember the empire into petty kingdoms, and free themselves from the dread of a formidable neighbour, by erecting a number of diminutive sovereigns, who may be always courting the assistance of their protectors, for the sake of harrassing each other.

Thus will the House, by which Europe has been hitherto protected, sink into an empty name, and we shall be left to stand alone against all the powers that profess a different religion, and whose interest is opposite to that of Great Britain.

We ought, indeed, to act with the utmost vigour, when we see one of the most powerful of the reformed princes, so far forgetful of the interest of our religion, as to co-operate with the designs of France, and so intent upon improving the opportunity of distressing the house of Austria, as to neglect the common cause, and expose himself or his posterity to the danger of becoming a dependent on the house of Bourbon.

For this reason I cannot agree that our army, though numerous and burdensome, is greater than the necessity of affairs requires: if we cast our eyes on the continent, nothing is to be seen but general confusion, powerful armies in motion, the dominions of one prince invaded, of another threatened, the tumults of ambition in one place, and a panic stillness in another.

What will be the event of these commotions who can discover? And how can we know what may determine the course of that flood of power, which is now in a state of fluctuation, or seems driven to different points by different impulses? How soon may the Dutch see their barrier attacked, and call upon us for the 10,000 men which we are obliged to send them? How soon may the house of Austria be so distressed as to require all our power for its preservation?

That we are to leave nothing unattempted for the security of our own religion and liberty, will easily be granted, and, therefore, unless it can be proved that we may be equally secure, though the house of Austria be ruined, it will necessarily follow, that we are, with all our power, to enforce the observation of the Pragmatic Sanction.

This is not an act of romantic generosity, but such as the closest attention to our own interest shews to be necessary; in defending the queen of Hungary we defend ourselves, and only extinguish that flame, by which, if it be suffered to spread, we shall ourselves be consumed. The empire may be considered as the bulwark of Great Britain, which, if it be thrown down, leaves us naked and defenceless.

Let us therefore consider our own danger, and remember, that while we are considering this supply, we are deliberating upon nothing less than the fate of our country.

Mr. *Pulteney:*

Sir; I am on this occasion of an opinion different from that of the hon. member who spoke the second in this debate, though on most questions our judgment has been the same. I am so far from seconding his proposal for delaying the consideration of this supply, that I think it may justly be enquired, Why it was not sooner proposed?

For the support of the house of Austria and the assertion of the pragmatic sanction, no man can be more zealous than myself; I am convinced how closely the interest of this nation and that of the Austrian family are united, and how much either must be endangered by the ruin of the other, and therefore, I shall not delay, for a single moment, my consent to any measures that may re-establish our interest on the continent, and rescue Germany once more from the jaws of France.

I am afraid that we have lost part of our influence in the neighbouring countries, and that the name of Great Britain is less formidable than heretofore; but if reputation is lost, it is time to recover it, and I doubt not but it may be recovered by the same means as it was at first obtained. Our armies may be yet equally destructive and our money equally persuasive.

We have not yet suffered, amidst all our misconduct, our naval force to be diminished; our sailors yet retain their ancient courage, and our fleets are sufficient to keep their dominion of the ocean, and prescribe limits to the commerce of every nation. While this power remains unim-



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paired, while Great Britain retains her natural superiority, and asserts the honour of her flag in every climate, we cannot become despicable, nor can any nation ridicule our menaces or scorn our alliance. We may still extend our influence to the inland countries, and awe those nations which we cannot invade.

To preserve this power, let us watch over the disposal of our money; money is the source of dominion; those nations may be formidable for their affluence which are not considerable for their numbers; and by a negligent profusion of their wealth, the most powerful people may languish into imbecility, and sink into contempt.

If the grant which is now demanded will be sufficient to produce the ends to which it is proposed to be applied, if we are assured of the proper application of it, I shall agree to it without hesitation. But though it cannot be affirmed that the sum now demanded is too high a price for the liberties of Europe, it is at least more than ought to be squandered without effect, and we ought at least to know before we grant it what advantages may be expected from it.

May not the sum demanded for the support of the queen of Hungary be employed to promote very different interests? May it not be lavished to support that power to which our grants have too long contributed, that power by which ourselves have been awed, and the administration has tyrannized without controul?

If this sum is really intended to support the queen of Hungary, may we not enquire how it is to be employed for her service? Is it to be sent her for the payment of her armies, and the support of her court? Should we not more effectually secure her dominions by purchasing with it the friendship and assistance of the king of Prussia, a prince, whose extent of dominions and numerous forces make him not more formidable than his personal qualities.

What may be hoped, Sir, from a prince of wisdom and courage, at the head of 110,000 regular troops, with eight millions in his treasury; how much he must necessarily add to the strength of any party in which he shall engage, is unnecessary to mention; it is evident, without proof, that nothing could so much contribute to the re-establishment of the house of Austria, as a reconciliation with this mighty prince, and that to bring it to pass would be the most effectual method of serving the unfortunate queen that requires our assistance.

Why we should despair, Sir, of such a reconciliation I cannot perceive; a reconciliation equally conducive to the real interest of both parties. It may be proved, with very little difficulty, to the king of Prussia, that he is now assisting those with whom interests incompatible, and religions irreconcilable, have set him at variance, whom he can never see prosperous but by a diminution of his own greatness, and who will always project his ruin while they are enjoying the advantages of his victories. We may easily convince him, that their power will soon become, by his assistance, such as he cannot hope to withstand; and shew from the examples of other princes, how dangerous it is to add to the strength of an ambitious neighbour. We may shew him how much the fate of the empire is now in his hands, and how much more glorious and more advantageous it will be to preserve it from ruin, than to contribute to its destruction.

If, by such arguments, Sir, this potent monarch can be induced to act steadily in defence of the common cause, we may once more stand at the head of a Protestant confederacy, that may contract the views and repress the ambition of the house of Bourbon, and alter their scheme of universal monarchy into expedients for the defence of their dominions.

But in transacting these affairs, let us not engage in any intricate treaties, nor amuse ourselves with displaying our abilities for negociation; negociation, that fatal art which we have learned as yet very imperfectly, and which we have never attempted to practise but to our own loss. While we have been entangled in tedious disquisitions, and retarded by artful delays, while our commissaries have been debating about what was only denied to produce controversies, and enquiring after that which has been hid from them only to divert their attention from other questions, how many opportunities have been lost, and how often might we have secured by war, what was, at a much greater expence, lost by treaties?

Treaties, Sir, are the artillery of our enemies, to which we have nothing to oppose; they are weapons of which we know not the use, and which we can only escape by not coming within their reach. I know not by what fatality it is, that to treat and to be cheated, are, with regard to Britain,

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words of the same signification; nor do I intend, by this observation, to asperse the characters of particular persons; for treaties, by whomsoever carried on, have ended always with the same success.

It is time, therefore, to know, at length, our weakness and our strength, and to resolve no longer to put ourselves voluntarily into the power of our enemies: our troops have always been our ablest negociators, and to them it has been, for the most part, necessary at last to refer our cause.

Let us then always preserve our martial character, and neglect the praise of political cunning; a quality which, I believe, we shall never attain, and which, if we could obtain, would add nothing to our honour. Let it be the practice of Britons to declare their resolutions without reserve, and adhere to them in opposition to dangers; let them be ambitious of no other elogies than those which may be gained by honesty and courage, nor will they then ever find their allies diffident, or their enemies contemptuous.

By recovering and asserting this character, we may become once more the arbiters of Europe, and be courted by all the Protestant powers as their protectors; we may once more subdue the ambition of the aspiring French, and once more deliver the house of Austria from the incessant pursuit of those restless enemies.

The defence of that illustrious family, Sir, has always appeared to me, since I studied the state of Europe, the unvariable interest of the British nation, and our obligations to support it, on this particular occasion, have already been sufficiently explained.

Whence it proceeds, Sir, that those who now so zealously espouse the Austrian interest, have been so plainly forgetful of it on other occasions, I cannot determine. That treaties have been made very little to the advantage of that family, and that its enemies have been suffered to insult it without opposition, is well known, nor was it long ago that it was debated in this House, whether any money should be lent to the late emperor.

No public or private character can be supported, no enemy, Sir, can be intimidated, nor any friend confirmed in his adherence, but by a steady and consistent conduct, by proposing in all our actions such ends as may be openly avowed, and by pursuing them without regard to temporary inconveniencies, or petty obstacles.

Such conduct, Sir, I would gladly recommend on the present occasion, on which I should be far from advising a faint, an irresolute, or momentary assistance, such supplies as declare diffidence in our own strength, or a mean inclination to please contrary parties at the same time, to perform our engagements with the queen, and continue our friendship with France. It is, in my opinion, proper to espouse our ally with the spirit of a nation that expects her decisions to be ratified, that holds the balance of the world in her hand, and can bestow conquest and empire at her pleasure.

Yet, Sir, it cannot be denied that many powerful reasons may be brought against any new occasion of expence; nor is it without horror and astonishment that any man, conversant in political calculations, can consider the enormous profusion of the national treasure. In the late dreadful confusion of the world, when the ambition of France had set half the nations of the earth on flame, when we sent our armies to the continent, and fought the general quarrel of mankind, we paid during the reigns of king William, and his great successor, reigns of which every summer was distinguished by some important action but four millions yearly.

But our preparations for the present war, in which scarcely a single ship of war has been taken, or a single fortress laid in ruins, have brought upon the nation an expence of five millions. So much more are we now obliged to pay to amuse the weakest, than formerly to subdue the most powerful of our enemies.

Frugality, which is always prudent, is, at this time, Sir, indispensible, when war, dreadful as it is, may be termed the lightest of our calamities, when the seasons have disappointed us of bread, and an universal scarcity afflicts the nation. Every day brings us accounts from different parts of the country, and every account is a new evidence of the general calamity, of the want of employment for the poor, and its necessary consequence, the want of food.

He that is scarce able to preserve himself, cannot be expected to assist others; nor is that money to be granted to foreign powers, which is wanted for the support of our fellow-subjects, who are now languishing with diseases, which unaccustomed hardships, and unwholesome provisions have brought upon them, while we are providing against distant dangers, and bewailing the distresses of the house of Austria.



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Let us not add to the miseries of famine the mortifications of insult and neglect; let our countrymen, at least, divide our care with our allies; and, while we form schemes for succouring the queen of Hungary, let us endeavour to alleviate nearer distresses, and prevent or pacify domestic discontents.

If there be any man whom the sight of misery cannot move to compassion, who can hear the complaints of want without sympathy, and see the general calamity of his country without employing one hour on schemes for its relief: Let not that man dare to boast of integrity, fidelity or honour; let him not presume to recommend the preservation of our faith, or adherence to our confederates; that wretch can have no real regard to any moral obligation, who has forgotten those first duties which nature impresses; nor can he that neglects the happiness of his country, recommend any good action for a good reason.

It should be considered, Sir, that we can only be useful to our allies, and formidable to our enemies, by being unanimous and mutually confident of the good intentions of each other, and that nothing but a steady attention to the public welfare, a constant readiness to remove grievances, and an apparent unwillingness to impose new burthens, can produce that unanimity.

As the cause is therefore necessarily to precede the effect; as foreign influence is the consequence of happiness at home, let us endeavour to establish that alacrity and security that may animate the people to assert their ancient superiority to other nations, and restore that plenty which may raise them above any temptation to repine at assistance given to our allies.

No man, Sir, can very solicitously watch over the welfare of his neighbour, whose mind is depressed by poverty, or distracted by terror, and when the nation shall see us anxious for the preservation of the queen of Hungary, and unconcerned about the wants of our fellow-subjects; what can be imagined, but that we have some method of exempting ourselves from the common distress, and that we regard not the public misery when we do not feel it?

Sir *Robert Walpole*:

Sir; it is always proper for every man to lay down some principles upon which he proposes to act, whether in public or private; that he may not be always wavering, uncertain, and irresolute; that his adherents may know what they are to expect, and his adversaries be able to tell why they are opposed.

It is necessary, Sir, even for his own sake, that he may not be always struggling with himself; that he may know his own determinations, and enforce them by the reasons which have prevailed upon him to form them; that he may not argue in the same speech to contrary purposes, and weary the attention of his hearers with contrasts and antitheses.

When a man admits the necessity of granting a supply, expatiates upon the danger that may be produced by retarding it, declares against the least delay, however speciously proposed, and inforces the arguments which have been already offered to shew how much it is our duty and interest to allow it; may it not reasonably be imagined that he intends to promote it, and is endeavouring to convince them of that necessity of which he seems himself convinced?

But when the same man proceeds to display, with equal eloquence, the present calamities of the nation, and tells, to how much better purposes the sum, thus demanded, may be applied; when he dwells upon the possibility that an impolitic use may be made of the national treasure; and hints, that it may be asked for one purpose and employed to another, what can be collected from his harangue, however elegant, entertaining, and pathetic? How can his true opinion be discovered? Or how shall we fix such fugitive reasonings, such variable rhetoric?

I am not able, Sir, to discern, why truth should be obscured; or why any man should take pleasure in heaping together all the arguments that his knowledge may supply, or his imagination suggest, against a proposition which he cannot deny. Nor can I assign any good purpose that can be promoted by perpetual renewals of debate, and by a repetition of objections, which have in former conferences, on the same occasion, been found of little force.

When the system of affairs is not fully laid open, and the schemes are in part unknown, it is easy to raise objections formidable in appearance, which perhaps cannot be answered till the necessity of secrecy is taken away. When any general calamity has fallen upon a nation, it is a very fruitful topic of rhetoric, and may be very pathetically exaggerated, upon a thousand occasions to which it has no necessary relation.

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Such in my opinion, Sir, is the use now made of the present scarcity; a misfortune inflicted upon us by the hand of Providence alone; not upon us only, but upon all the nations on this side of the globe; many of which suffer more, but none less than ourselves.

If at such a time, it is more burthensome to the nation to raise supplies, it must be remembered, that it is in proportion difficult to other nations to oppose those measures for which the supplies are granted; and that the same sum is of greater efficacy in times of scarcity than of plenty.

Our present distress, will, I hope, soon be at end; and perhaps a few days may produce at least some alteration. It is not without reason that I expect the news of some successful attempts in America, which will convince the nation, that the preparations for war have not been idle shews contrived to produce unnecessary expences.

In the mean time it is necessary, that we support that power which may be able to assist us against France, the only nation from which any danger can threaten us, even though our fleet in America should be unsuccessful.

If we defeat the Spaniards, we may assist the House of Austria without difficulty, and if we fail in our attempts, their alliance will be more necessary. The sum demanded for this important purpose, cannot be censured as exorbitant, yet will, I hope, be sufficient: if more should hereafter appear necessary, I doubt not but it will be granted.

The Resolution was then agreed to.

*The King's Speech at the Close of the Session.*] April 25. The King came to the House of Lords, and put an end to the Session with the following Speech to both Houses:

"My lords and gentlemen;

"The zeal and dispatch, with which you have gone through the public business, during the course of this session, are undeniable proofs of your steady regard to the welfare of your country, and consequently the most acceptable testimonies of your duty and affection to me. The powerful assistance, which you have given me for carrying on the just and necessary war, in which I am engaged, is the best means of reducing our enemies to reason; and the vigour and earnestness, which you have so seasonably shewn for the defence of the House of Austria, and the maintenance of the balance and liberties of Europe, must give the greatest encouragement to our friends. These are the methods to secure to this nation that weight and influence abroad, which its natural strength and situation entitle it to.

"Gentlemen of the House of Commons;

"It is with particular satisfaction, I acknowledge your readiness and application, in raising the supplies for the service of the current year; which you have done with so just a regard to the present exigencies of the public, as shews you to be the true representatives of my faithful Commons.

"My lords and gentlemen;

"I cannot part with this parliament, without publicly returning you my thanks, for the many eminent instances which you have given me, of your fidelity and affection to my person and government; your fixed resolution to maintain the Protestant succession in my family; and your unshaken adherence to the true interest of your country. You have, with the most becoming spirit and firmness, exerted yourselves in vindicating and defending the honour of my crown, and the undoubted rights of navigation and commerce belonging to my subjects; and enabled me to revenge these wrongs and insults, which, contrary to the faith of treaties, had been committed against both. In so critical a conjuncture, you have supported the national credit, and strengthened the hands of my government, to a degree exceeding the expectations of those, who wished well to us; and to the manifest disappointment of such, as envied our prosperity. At the same time, you have demonstrated to all the world, that Great Britain is in a condition, not only to defend herself, but also to afford a due support to her allies, and the common cause of Europe. As such a conduct must give a lasting reputation to this parliament, so it will be the subject of emulation to those which shall come after it.

"I will immediately give the necessary orders for calling a new parliament. There is not any thing I set so high a value upon, as the love and affection of my people; in which I have so entire a confidence, that it is with great satisfaction, I see this opportunity put into their hands, of giving me fresh proofs of it, in the choice of their representatives.

"On the present establishment depends the continuance of our excellent constitu-

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tion in church and state; and in this constitution consists the security of the present establishment; nothing can hurt the one, that will not, in proportion, undermine and weaken the other. For my part, the uniform preservation of both, and the maintenance of the religious and civil rights of all my subjects, have been, and ever shall be, my constant care. Those who distinguish themselves by persevering in these principles, shall always find my countenance and favour; and, by invariably pursuing these wise and honest measures, we may entertain the best grounded hopes, that under the protection of the divine Providence, the happiness of Great Britain will be perpetuated to posterity."*

* "Immediately upon the rising of the parliament, the nation was in the utmost ferment. The minister, as has been hinted, relying too much upon the superiority which had appeared in his favour upon the motion that had been made against him, and imagining that the tories and the old whigs, having so lately split upon that subject, could not coalesce time enough to oppose him, had been unaccountably negligent in exerting his interest for a new parliament. But he was deceived; for though the tories, who had left the whigs upon that occasion, acted upon principle, yet the heads of the whigs were more pliable, and very readily forgetting all that was passed, entered into every scheme of opposition that could distress the minister. The elections of London and Westminster were amongst the first which came on in the nation, and the eyes of the public were soon fixed upon a most extraordinary scene in the very city where the court had its residence, and was supposed to have its greatest influence, that of Westminster. It had been usual of late for the minister to name two members, who were always returned without the least opposition. The members for Westminster in the late parliament had been sir Charles Wager and lord Sundon, of the kingdom of Ireland, one of the lords of the treasury, an unamiable and unpopular man, bred all his life to office business and to a dependence upon power. It was never doubted by the minister or the candidates but the election would go, as usual, unquestioned and unopposed; but some private inhabitants of Westminster, though otherwise of no great consideration or weight, found means to throw in a spark which fired the train that had been so artfully laid against the minister, by naming admiral Vernon, who was then at the very pinnacle of popularity, for one of their candidates, and Mr. Edwin, a private gentleman of fortune, for the other. This opposition, though at first despised, became formidable, and the court party in the city, in order to take off at least one member from the opposition, named Vernon a candidate for London, along with sir Edward Bellamy, sir John Barnard, and Mr. Perry; the other list being sir Daniel Lambert (who had succeeded to the chair by the death of Mr. Parsons, who died in his mayoralty) sir John Barnard, sir Robert Godschall, and alderman Heathcoat. The court party, however, losing their aim in this, it gave double spirit to the opposition in Westminster; and sir Charles Wager being called off the hustings to attend his majesty to Holland, the management of the election was left in the hands of ignorant vestrymen and violent justices. Upon this, the opposite party, who were sensible of their inferiority of numbers, pushed on the election, but with so much tumult, that the remaining candidate was prevailed upon to order the books to be shut up, a party of the guards to attend, and himself and sir Charles Wager to be returned by the high bailiff, while the military power surrounded the hustings, which was in the portico of Covent Garden church. This exasperated the people into such a rage, that the guards themselves were pelted, and it was with difficulty the remaining candidate escaped with his life.

"It is incredible what a spirit the example of the opposition in Westminster diffused all over the kingdom, and no art or power of writing was wanting to support it. In short, a very few weeks made it evident, that at the meeting of next parliament, the minister could not boast a majority of twenty sure votes in his favour.

"The state of affairs upon the continent having this year rendered his majesty's going to Germany indispensible, he nominated lords justices, in his absence, and sat off on the 7th of May.—He returned to England on the 19th of October, and the new Parliament met on the 4th of December." Tindal.

"The example of the opposition at Westminster diffused a general spirit throughout the kingdom, and violent contests were excited in all quarters. Large sums for supporting the expences were subscribed by Pulteney, the duchess of Marlborough, and the prince of Wales, who contracted great debts on this memorable occasion; and the managers of opposition employed this money with great advantage. Lord Falmouth gained over many of the Cornish boroughs, which had usually returned the members recommended by the crown: the duke of Argyle exerted himself

## FIRST SESSION
### OF THE
## NINTH PARLIAMENT
### OF
## GREAT BRITAIN.

*Meeting of the New Parliament.*] December 1, 1741. This day the New Par-

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liament met at Westminster. The King being seated on the throne, adorned with his crown and regal ornaments, and attended with his officers of state, commanded the gentleman usher of the black rod, to let the Commons know, It is his majesty's pleasure, that they attend him immediately, in this House.

Who being come; the Lord Chancellor said:

"My lords and gentlemen,

"I have it in command from his ma-

with such effect in Scotland, that he baffled all the efforts of his brother, the earl of Ilay, who had long managed the interest of the crown in that quarter; and the majority of Scottish members, who had formed a strong phalanx in favour of government, were now ranged on the contrary side. These acquisitions were considered by opposition as a sure omen of success; and Dodington, in a letter to the duke of Argyle, drew a comparative statement of the two sides, in the future parliament, highly unfavourable to the ministerial party. He justly observed, that a majority of sixteen, which was the utmost that the most sanguine friends of the minister could entertain hopes of forming at the commencement of the session, would soon become a minority. He laid down a plan of conduct and attack which was wisely formed, and ably executed, the homogeneous parts were consolidated, and the whole phalanx, however divided and discordant in other respects, moved on uniformly to one great object, the removal of the minister.

"Many causes concurred, in the present crisis, to render the efforts of Walpole for securing a sufficient majority in the new parliament ineffectual. He had continued so long in full power, that many, like the subjects of the pope during a long reign, pined for a new administration, from a mere desire of change. Others formed dreams of future splendour and happiness, which were to beam on the nation, when the minister was removed; that minister, who was styled the father of corruption, who was accused of squandering the public money, and of drawing from the plunder of his devoted country, such immense riches as no individual had ever before amassed; who alone prevented the suppression of numerous taxes, the abolition of the national debt, and obstructed those plans of reform, which were to restore credit and dignity to the king and parliament. His fall was to produce a new æra, the revival of the golden age; a junction of all parties was to take place, and the sovereign, instead of being the chief of a sect, was to become at once the father of his people, and to reign in the hearts of his subjects. These notions were industriously circulated, and greedily swallowed by the deluded populace, until his removal became an object of national concern.

"The popular clamour for a war with Spain had been so violent, that the resistance of the minister was deemed a shameful pusillanimity and dereliction of national honour, and became the favourite theme of satire and contumely, both in prose and rhyme. "Sir Robert Walpole," as Burke justly observes, "was forced into the war in 1739, by the people, who were inflamed to this measure, by the most leading politicians, by the first orators, and the greatest poets of the times. For that war Pope sung his dying notes. For that war Johnson, in more energetic strains, employed the voice of his early genius. For that war Glover distinguished himself in the way in which his merit was the most natural and happy. The crowd readily followed the politicians, in the cry for a war which threatened little bloodshed, and which promised victories, that were attended with something more solid than glory. A war with Spain was a war of plunder."

"But even those who acted with him laboured to undermine his power. Wilmington wished his downfall, trusting that if that event should take place, he should succeed as first lord of the treasury. He caballed with the principal leaders of opposition, and in a letter to Dodington, congratulated him on his success in the elections of Melcomb and Weymouth, against the candidates supported by the minister. Newcastle, who had hitherto acted an under-part, aspired to be leader of the Whigs, and flattered himself that on the removal of Walpole, a considerable addition of power would be placed in his hands. He had even made clandestine overtures to the duke of Argyle, which had been disclosed to the minister.

"The minister was also greatly embarrassed with the conduct of foreign affairs, on which he was not always confidentially consulted. The negociation which settled the neutrality of Hanover, was begun and nearly concluded, not only without his approbation, but almost without his knowledge. The first positive information he received of it, was a private letter from the king, which was delivered to him in the presence of the duke of Newcastle, to whom he never disclosed the contents. He was apprehensive lest the nation should impute to him a measure so extremely unpopular. He complained that lord Harrington, the secretary of state who attended the king to Hanover, had not given earlier notice to the cabinet of England, and he told a foreign agent, that the neutrality of Hanover was compulsory, and could not affect England. On mature reflection, however, he appreciated the necessity of the measure, and though dissatisfied with the commencement of the negociation, approved and sanctioned its conclusion.

"Every means was now employed to traduce his character. The most calumnious reports were invented and diffused. It was rumoured that admiral Haddock had orders to avoid meeting and intercepting the Spanish transports carrying troops to Italy, for the purpose of taking possession of Tuscany, Parma,

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jesty, to acquaint you, that he is pleased to defer declaring the causes of calling this parliament, till there shall be a Speaker of the House of Commons. It is, therefore, his majesty's pleasure, that you, gentlemen of the House of Commons, do immediately repair to the place where the Commons usually sit, and there choose a fit person to be your Speaker; and that you present the person who shall be so chosen, to his majesty, here, for his royal approbation, on Friday next, at two of the clock."

Then his majesty was pleased to retire; and the Commons withdrew.

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*List of the House of Commons.**] The following is a List of the Members of the House of Commons:

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and Placentia, for Don Philip, under the guarantee of England. Even such wild and absurd fictions, that he had betrayed to Fleury and Patinho, the projected operations against Spain, and that he received from those ministers large remittances to bribe the parliament, were audaciously advanced, and confidently believed.

"The minister had been no sooner forced into the war, than the mode of conducting it became an object of obloquy and censure. Violent murmurs were diffused throughout the nation, grounded on the ill success of the war, the loss of the commerce with Spain, of which those who forced the minister to commence hostilities most loudly complained; the neutrality of Hanover was represented as inconsistent with the dignity and interests of England, and falsely imputed to him. To these immediate causes of complaint were added apprehensions of future evils; the conclusion of a dishonourable peace with Spain was said to be in agitation, of which the basis was to be the restitution of Gibraltar and Minorca; the aggrandisement of France, the abasement of the house of Austria, the establishment of the elector of Bavaria on the throne of the empire, who would always remain attached to the house of Bourbon, and the guarantee of Parma to Don Philip, which would be a shameful breach of the guarantee of the pragmatic sanction.

"The majority by which the motion to remove him was rejected, the death of sir William Wyndham, and the retreat of Bolingbroke into France, rendered him indolent, and inspired him with too much confidence in the support of the king, and in the strength of his friends. 'His success on this occasion,' as a contemporary pamphleteer justly expresses himself, 'threw him into a lethargy of power. He imagined that the breach between the Whigs and the Tories was too great to be repaired during the time of electing a new parliament; he thought that it would daily become wider; he seems to have mistaken the motives which induced the Tories to act as they did, and formed too favourable a judgment of the temper and spirit manifested by the people on that unjust motion. He gave them time to reconcile this temporary ebb, and suffered the popular opinion against him to flow back again with increasing violence.'

"While the minister laboured under this pressure of great unpopularity; while he was arraigned for the measures of others, of which he was accused of being the sole director; while the cabinet was divided, and the support from the crown so feeble; the exertions on the side of government were inadequate to the vigorous efforts made by opposition. The Tories and Jacobites were reconciled with the disaffected Whigs, and all united to demolish their common enemy. Letters from the Pretender were circulated among the Jacobites and high Tories, exhorting them to use all their efforts for the purpose of effecting the disgrace of sir Robert Walpole; and such was the temper of the people, that his fall became the open or secret wish of all parties." Coxe's Walpole.

* "It was thought about this time, that the numbers and weight of property in the House of Peers, were too disproportioned to that of the Commons; and consequently that the importance of a peerage was too great, and that of the House of Peers too small. His majesty, ever since his accession to the throne, had been extremely frugal in bestowing titles of honour, and the evil complained of had been sensibly felt. It was therefore resolved that it should be remedied for the future, and that the constitution in that respect should be brought nearer to its first principles. Three commoners therefore had been made peers this summer. Mr. Bromley was made lord Montford, Mr. Stephen Fox lord Ilchester, and Mr. Howe lord Chedworth; all of them men of property, and their persons so unexceptionable, that, even in that period of discontent, their creations met with general applause." Tindal.

"By the best judgment I can form of the list of this present parliament, and I have examined it very carefully, we appear to be so strong, that I think we can but just be called the minority; and I am very sure that such a minority, well united and well conducted, might soon be a majority. But 'Hoc opus hic labor 'est.' It will neither be united nor well conducted. Those who should lead it will make it their business to break and divide it; and they will succeed. I mean Carteret and Pulteney. Their behaviour for these few years has, in my mind, plainly shewn their views and their negociations with the court: but, surely, their conduct at the end of last session puts that matter out of all dispute. They feared even the success of that minority, and took care to render it as insignificant as possible. Will they then not be much more apprehensive of

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A List of the House of Commons in the Ninth Parliament of Great Britain, which met at Westminster, December 1, 1741.

Bedfordshire. Sir John Chester.—Sir Roger Burgoyne.

*Bedford.* Samuel Ongley; died, no new writ ordered.—Sir Boteler Chernocke.

Berkshire. Penyston Powney.——Winch. Howard Packer; died, a new writ ordered, Nov. 18, 1746.—Henry Pye.

*Windsor.*—Henry Fox; made a lord of the treasury, and a new writ being ordered, Dec. 21, 1743, he was re-elected. Then made secretary at war; and a new writ being ordered, May 27, 1746, he was re-elected.—Lord Sidney Beauclerk; died, a new writ ordered, Nov. 28, 1744.—Lord George Beauclerk.

*Reading.* William Strode.—John Blagrave.

*Watlingford.* John Bance.—John Rush.

*Abingdon.* John Wright.

Buckinghamshire. Rich. Grenville.—Rich. Lowndes.

*Buckingham.* George Denton.—George

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the success of this; and will not both their merit and their reward be much the greater for defeating it? If you will tell me that they ought rather to avail themselves of these numbers, and, at the head of them, force their way where they are so impatient to go, I will agree with you, that in prudence they ought; but the fact is, they reason quite differently, desire to get in, with a few by negociation, and not by victory with numbers, who they fear might presume upon their strength, and grow troublesome to their generals.

"On the other hand, sir Robert must be alarmed at our numbers, and must resolve to reduce them before they are brought into the field. He knows by experience, where and how to apply for that purpose; with this difference only, that the numbers will have raised the price, which he must come up to. And this is all the fruit I expect from this strong minority. You will possibly ask me, whether all this is in the power of Carteret and Pulteney? I answer, yes; in the power of Pulteney alone. He has a personal influence over many, and an interested influence over more. The silly, half-witted, zealous whigs consider him as the only support of whiggism; and look upon us as running headlong into Bolingbroke and the tories. The interested whigs, as Sandys, Rushout, and Gibbon, with many others, are as impatient to come into court as he can be; and, persuaded that he has opened that door a little, will hold fast by him to squeeze in with him, and think they can justify their conduct to the public, by following their old leader, under the colours (though false ones) of whiggism.

"What then, is nothing to be done? Are we to give it up tamely, when the prospect seems so fair? No; I am for acting, let our numbers be what they will. I am for discriminating, and making people speak out; though our numbers should, as I am convinced they will, lessen considerably by it. Let what will happen, we cannot be in a worse situation than that we have been in for these last three or four years. Nay, I am for acting at the very beginning of the sessions, and bringing our numbers the first week; and points for that purpose, I am sure, are not wanting. Some occur to me now, many more will, I dare say, occur to others; and many will, by that time, present themselves.

"For example, the court generally proposes some servile and shameless tool of theirs to be Chairman of the Committee of Privileges and Elections. Why should not we, therefore, pick out some whig of a fair character, and with personal connections, to set up in opposition? I think we should be pretty strong upon this point. But as for opposition to their Speaker, if it be Onslow, we shall be but weak; he having, by a certain decency of behaviour, made himself many personal friends in the minority. The affair of Carthagena will of course be mentioned; and there, in my opinion, a question, and a trying one too, of censure, lies very fair, that the delaying of that expedition so late last year was the principal cause of our disappointment. An address to the king, desiring him to make no peace with Spain, unless our undoubted right of navigation in the West Indies, without molestation or search, be clearly and in express words stipulated, and till we have acquired some valuable possession there, as a pledge of the performance of such stipulation: such a question would surely be a popular one, and distressful enough to the ministry.

"I entirely agree with you, that we ought to have meetings to concert measures some time before the meeting of the parliament; but that I likewise know will not happen. I have been these seven years endeavouring to bring it about, and have not been able. Fox-hunting, gardening, planting, or indifference, having always kept our people in the country, till the very day before the meeting of the parliament. Besides, would it be easy to settle who should be at those meetings? If Pulteney and his people were to be chose, it would be only informing them beforehand, what they should either oppose or defend; and if they were not there, their own exclusion would in some degree justify, or at least colour their conduct. As to our most flagitious House, I believe you agree there is nothing to be done in it; and for such a minority to struggle with such a majority, would be much like the late king of Sweden's attacking the Ottoman army at Bender, at the head of his cook and butler.



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Grenville; made a lord of the admiralty; and a new writ being ordered, Dec. 22, 1744, he was re-elected.

*Chipping Wicomb.* Edmund Waller; made cofferer to his majesty; and a new writ being ordered, Dec. 22, 1744, he was re-elected.—Harry Waller.

*Aylesbury.* William visc. Petersham.—Chas. Pilsworth.

*Agmondesham.* Thomas Gore; made commissary-general of the musters; a new writ ordered, Feb. 21, 1746. He was re-chosen for Portsmouth.—Sir Henry Marshall; lord mayor of London 1745.—William Drake.

*Wendover.* John Hampden.—Ralph visc. Fermanagh; created earl Verney in the kingdom of Ireland.

*Great-Marlow.* Sir Thomas Hoby; died, a new writ ordered, Nov. 27, 1744.—Samuel Tuffnell.—Will. Ockenden.

CAMBRIDGESHIRE. Soame Jenyns.—Samuel Shepherd.

*Univ. of Cambridge.* Edward Finch; made one of the grooms of his majesty's bedchamber, and a new writ being ordered, July 13, 1742, he was re-elected.—Thomas Townshend.

*Town of Cambridge.* Thomas visc. Duplin; made one of the commissioners of trade and plantations; and a new writ being ordered, Nov. 18, 1746, he was re-elected.—James Martin; died, a new writ ordered, Dec. 22, 1744.—Christopher Jeaffreson.

CHESHIRE. Charles Cholmondeley.—John Crew, jun.

*Chester.* Sir Robert Grosvenor.—Sir Charles Bunbury; died, a new writ ordered, April 15, 1742.—Phil. Henry Warburton.

CORNWALL. Sir John St. Aubin; died, a new writ ordered, Nov. 27, 1744.—Sir William Carew; died, a new writ ordered, March 15, 1744.—Sir John Molesworth.—Sir Coventry Carew.

*Launceston.* Sir William Irby.—Sir Will. Morice.

*Leskard.* Charles Trelawney.

*Lestwithiel.* Sir R. Salusbury Cotton.—Sir John Cross.

*Truro.* Charles Hamilton; Clerk of the houshold to the prince: made receiver-general and collector of the revenues in the island of Minorca, and a new writ being ordered, Dec. 22, 1743, he was re-elected.—James Hammond; equerry to the prince; died, a new writ ordered, June 10, 1742.—Edward Boscawen.

*Bodmyn.* John Laroche.—Thomas Bludworth; groom of the bedchamber to the prince of Wales.

*Helston.* Francis Godolphin, nephew to the late earl of Godolphin.—Thomas Walker.

*Saltash.* John Cleveland; clerk of the checque in the navy-office, Plymouth, made a commissioner of the navy; and a new writ ordered, April 12, 1743.—Stamp Brooksbank.—Thomas Corbet.

*Camelford.* Will. earl of Inchiquin.—Charles Montague; auditor-general to the prince of Wales for the county of Cornwall.

*Westlow.* Sir Charles Wager; first lord of the admiralty, made treasurer of the navy; and a new writ being ordered, Dec. 16, 1742, he was re elected, and died; a new writ ordered, Dec. 2, 1743.—Benjamin Keene; a commissioner of trade and plantations, made paymaster of divers annual bounties and pensions; and a new writ being ordered, Dec. 22, 1744, he was re-elected.—John Frederick.

*Grampound.* Daniel Boone; made commissary-general of the musters; and a new writ being ordered, July 13, 1742, he was re-elected.—William Banks.

*Eastlow.* Jas. Buller.—Francis Gashry; joint secretary to the treasury, and secretary to sir Robert Walpole, as chancellor of the exchequer.

*Penryn.* Edward Vernon; made his election for Ipswich; a new writ ordered, Feb. 14, 1743.—John Evelyn. George Boscawen.

*Tregony.* Thomas Watts; prothonotary of the court of common pleas.—Henry Penton; under secretary to the duke of Newcastle, one of the principal secretaries of state.—George Cooke; made auditor of his majesty's duchy of Cornwall; and a new writ being ordered, June 18, 1751, he was re-elected.

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"These are difficulties, the insurmountable difficulties, that I foresee; and which make me absolutely despair of seeing any good done. However, I am entirely at the service of you and the rest of my friends who mean the public good. I will either fight or run away as you shall determine. If the duke of Argyle sounds to battle, I will follow my leader; if he stays in Oxfordshire, I will stay in Grosvenor square. I think it is all one which we do as to our House; your's must be the scene of action, if action there be; and action I think there should be, at least for a time, let your numbers be what you will." Lord Chesterfield to Mr. Dodington, dated Spa, September 8, 1741. See Coxe's Memoirs of sir R. Walpole, vol. 3, p. 579.

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*Bossiney.* Tho. Foster.—Richard Liddel; not duly returned, but had leave to petition.—John Sabine. — Christopher Tower; not duly elected.—Thomas Foster.—Richard Liddel; died, a new writ ordered, June 26, 1746.—William Breton.

*St. Ives.* John Bristowe; deputy-governor of the South Sea Company.—Gregory Beake; lieutenant-colonel of his majesty's royal regiment of Horse Guards.

*Fowey.* Jonathan Rashleigh.—William Wardour; died, a new writ ordered, July 24, 1746.—George Edgecumbe.

*St. Germans.* John Hynd Cotton.—James Newsam.

*St. Michael.* John Ord; died, a new writ ordered, Oct. 29, 1745.—Edward Clive; made a baron of the exchequer, a new writ ordered, May 2, 1745.—Sir Edward Pickering.—Sir Rd. Lloyd; one of his majesty's counsel at law.

*Newport.* Nicholas Herbert.—Thomas Bury.

*St. Mawes.* Robert Nugent.—James Douglas; comptroller of the household to the prince.

*Callington.* Cha. Hor. Walpole; usher of the exchequer; third son of the earl of Orford.—Thomas Coplestone.

*Cumberland.* Sir James Lowther.—Sir Joseph Pennington; died, a new writ ordered, Dec. 10, 1744.—Sir John Pennington.

*Carlisle.* Charles Howard; groom of the bedchamber to his majesty.—John Stanwix; not duly elected.—John Hylton; died, a new writ ordered, Nov. 18, 1746.—John Stanwix; lieutenant-colonel of a regiment of foot.

*Cockermouth.* Wm. Finch.—John Mordaunt; colonel in the Foot Guards, and equerry to his majesty.

DERBYSHIRE. Wm. marq. of Hartington.—Sir Nathaniel Curzon.

*Derby Town.* Lord James Cavendish; made auditor of foreign accompts or imposts in Ireland: a new writ ordered, March 1, 1742.—John Stanhope.—Will. visc. Duncannon; son in-law to the duke of Devonshire, made a lord of the Admiralty; and a new writ being ordered, June 23, 1746, he was re-elected.

DEVONSHIRE. Sir Will. Courtenay. — Theophilus Fortescue; died, a new writ ordered, March 21, 1746.—Sir Thomas Dyke Acland.

*Exeter.* Sir Henry Northcote; died, a new writ ordered, Dec. 1, 1743.—Humphry Sydenham.—Sir R. W. Bampfylde.

*Totness.* Sir Charles Willes; died, a new writ ordered, Jan. 18, 1742.—Joseph Danvers.—Sir John Strange; solicitor-general and recorder of London, both which he resigned.

*Plymouth.* Arthur Stert.—Lord Vere Beauclerk; made a lord of the Admiralty; and a new writ being ordered, Dec. 22, 1744, he was re-elected.

*Oakhampton.* George Lyttelton; made a lord of the treasury; and a new writ being ordered, Dec. 22, 1744, he was re-elected.—Thomas Pitt; assay-master for the coinage of tin to the prince of Wales.

*Barnstaple.* Henry Rolle.—John Harris.

*Plympton Earle.* Tho. Clutterbuck; a lord of the Admiralty, made treasurer of the navy; and a new writ being ordered, May 7, 1742, he was re-elected and died; and a new writ ordered, Nov. 26, 1742.—Richard Edgecumbe; created lord Edgecumbe; a new writ ordered, April 26, 1742.—Rich. Edgecumbe; eldest son of lord Edgecumbe.—William lord Sundon.

*Honiton.* Sir W. Yonge; made joint vice-treasurer, and receiver-general, and paymaster of all his majesty's revenues in the kingdom of Ireland; and a new writ being ordered, May 10, 1746, he was re-elected.—H. Reginald Courtenay.

*Tavistock.* Charles viscount Fane.—Lord Sherard Manners; died, a new writ ordered, Jan. 20, 1742.—James viscount Limerick.

*Ashburton.* John Harris; master of his majesty's household. — John Arscot; commissary-general of the marines.

*Dartmouth.* George Treby; died, a new writ ordered, March 16, 1742.—Walter Cary. — Lord Archib. Hamilton; a lord of the admiralty.

*Bere-Alston.* Samuel Heathcote.—Sir W. Mord. Harbord.

*Tiverton.* Arthur Arscot.—Sir Dudley Ryder.

DORSETSHIRE. Edm. Mort. Pleydell.—George Chaffin.

*Poole.* Joseph Gulston; South Sea director.—Thomas Missing.

*Dorchester.* John Brown.—Nathaniel Gundry; made one of his majesty's counsel at law; and a new writ being ordered, July 14, 1742, he was re-elected.

*Lyme Regis.* Henry Holt Henley.—John Scrope.

*Weymouth and Melcombe Regis.*—Josh. Damer.—John Tucker.—John Raymond.—James Stuart.

*Bridport.* William Bowles; made his

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election for Bewdley, upon the electors, &c. withdrawing their petition. A new writ ordered, March 25, 1742.—George Richards; died, a new writ ordered, Nov. 28, 1746.—T. Hen. visc. Deerhurst; died, a new writ ordered, Nov. 27, 1744.—Thomas Grenville; captain of the Defiance man of war. Killed, May 3, 1747, in an engagement, when the whole French fleet were taken; and a new writ ordered, May 19, 1747.—G. Wm. visc. Deerhurst.—Jas. Grenville; deputy-paymaster of the forces, and commissioner of trade.

*Shaftesbury.* Peter Walter. — Charles Ewer; died, a new writ ordered, June 24, 1742.—George Pitt.

*Wareham.* Henry Drax. — John Pitt; made a commissioner of trade and plantations; and a new writ being ordered, Dec. 22, 1744, he was re-elected.

*Corfe Castle.* John Bond; died, a new writ ordered, Nov. 27, 1744.—Henry Banks.—Thomas Erle Drax.

DURHAM. George Bowes.—John Hedworth; died, but no new writ ordered.

*Durham.* Henry Lambton.—John Shaftoe; died, a new writ ordered, April 5, 1742.—John Tempest.

ESSEX. Thomas Bramston.—Sir Robert Abdy.

*Colchester.* John Olmius.—Matt. Martin; not duly returned or elected.—Charles Gray.—Samuel Savill.

*Malden.* Sir Thomas Drury.—Robert Colebrooke.

*Harwich.* John Phillipson; commissioner of the navy, made a lord of the Admiralty; and a new writ being ordered, Dec. 7, 1743, he was re-elected, and made surveyor-general of his majesty's woods on the north and south of the river Trent; and a new writ being ordered, April 11, 1745, he was re-elected.—Hill Mussenden; a commissioner of the alienation-office.

GLOUCESTERSHIRE. Thomas Chester.—Norborne Berkley.

*Gloucester.* John Selwyn; made paymaster of the marines at the expiration of this parliament. — Benjamin Bathurst.

*Cirencester.* Thomas Master.—Henry Bathurst; made one of his majesty's counsel learned in the law: and a new writ being ordered, Jan. 21, 1746, he was re-elected. He was solicitor-general and afterwards attorney-general to the prince of Wales.

*Tewkesbury.* Thomas viscount Gage.—John Martin.

HEREFORDSHIRE. Edw. Harley; succeeded to the title of earl of Oxford; a new writ ordered, Dec. 23, 1741.—Velters Cornwall.—Thomas Foley.

*Hereford.* Edw. Cope Hopton.—Thos. Geers Winford.

*Leominster.* John Caswall; died, a new writ ordered, March 19, 1742.—Capel Hanbury.—Robert Harley.

*Weobly.* Henry visc. Palmerston; chief remembrancer of his majesty's court of exchequer in Ireland.—George lord Carpenter; lieutenant colonel of the first troop of Horse Guards.

HERTFORDSHIRE. Jacob Houblon.—C. Gore.

*St. Albans.* James West; joint-secretary of the treasury. — Thomas Ashby; died, a new writ ordered, Feb. 4, 1743. —Hans Stanley.

*Hertford.* George Harrison.—Nathaniel Brassey.

HUNTINGDONSHIRE. Coulson Fellows.—William Mitchell; died, a new writ ordered, Oct. 21, 1745.—William Montagu; captain of a man of war, and brother to the earl of Sandwich.

*Huntingdon Town.* Wills Hill; made his election for Warwick.—Edward Montagu.—Albert Nesbitt.

KENT. Sir Roger Twisden.—Sir Edward Dering.

*Canterbury.* Thomas Watson; succeeded his brother as earl of Rockingham; a new writ ordered, Jan. 7, 1746.—Thomas Best. — Sir Thomas Hales.

*Rochester.* Edward Vernon; made his election for Ipswich; no writ ordered till Feb. 14, 1743.—Nicholas Haddock; rear admiral of the blue, admiral and commander of the fleet in the Mediterranean, 1739; died, a new writ ordered, Nov. 18, 1746.—David Polhill.—Sir Chaloner Ogle; admiral of the white.

*Maidstone.* Heneage lord Guernsey.—John Bligh.

*Queenborough.* Richard Evans.—Thomas Newnham.

LANCASHIRE. James lord Strange.—Richard Shuttleworth.

*Preston.* James Shuttleworth.—Nicholas Fazakerley.

*Lancaster.* Sir Thos. Lowther; died, a new writ ordered, April 10, 1745.—Robert Fenwick.—Francis Reynolds.

*Newton.* Legh Master.—William Shippen; died, a new writ ordered, Dec. 1, 1743.—Peter Legh.

*Wigan.* Sir Roger Bradshaigh; died, a new writ ordered, March 2, 1747.—James earl of Barrymore.—Richard Clayton.

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*Clithero.* William Curzon. — Thomas Lister; died, a new writ ordered, Oct. 17, 1745.—Thomas Lister.

*Liverpool.* Thomas Brereton; changed his name to Salusbury.—Richard Gildart.

LEICESTERSHIRE. Edw. Smith.—Sir Thomas Cave.

*Leicester.* James Wigley.—G. Wrighte.

LINCOLNSHIRE. Tho. Whichcote.—Rob. Vyner.

*Lincoln.* Charles Monson.—Sir J. de la Fountain Tyrwhit.

*Boston.* Lord Vere Bertie.—Jn. Michell.

*Great Grimsby.* Robert Knight.—William Locke.

*Stamford.* William Noel.—John Proby.

*Grantham.* John marq. of Granby; made a colonel of his majesty's army, and a new writ being ordered, Octob. 23, 1745, he was re-elected.—Sir M. Newton; died, a new writ ordered, April 13, 1743.—Sir John Cust.

MIDDLESEX. William Pulteney; created earl of Bath; a new writ ordered, July 14, 1742.—Sir Hugh Smithson.—Sir Roger Newdigate.

*Westminster.* Sir Charles Wager.—William lord Sundon; their election declared void upon the petition of several inhabitants, in behalf of Edward Vernon and Charles Edwin, esqrs. The last determination of the House, made Nov. 15, 1680, was read, when the House resolved, that the king's menial servants, not having proper houses of their own within the city, have not a right to vote. Resolved, Dec. 22, 1741, that Mr. John Lever, high bailiff at the last election, acted in an illegal and arbitrary manner, in prejudice of the rights and liberties of the electors, and in manifest violation of the freedom of elections. Resolved, that it appears to this House, that a body of armed soldiers, headed by officers, did, on Friday the 8th of May last, come in a military manner, and take possession of the church-yard of St. Paul, Covent-Garden, near the place where the poll was taken, before the said election was ended. Resolved, that the presence of a regular body of armed soldiers, at an election of members to serve in parliament, is an high infringement of the liberties of the subject, a manifest violation of the freedom of elections, and open defiance of the laws and constitution of this kingdom: and Mr. Lever, the high-bailiff, Nathaniel Blackerby, George Howard, and Thomas Lediard, esqrs. justices, who ordered the soldiers to attend, were ordered into custody of the serjeant at arms.—John viscount Percival.—Charles Edwin.

*London.* Sir John Barnard.—Sir Daniel Lambert. — George Heathcote. — Sir Robert Godschall; died in his mayoralty; a new writ ordered, July 1, 1742.—Sir William Calvert.

MONMOUTHSHIRE. Thomas Morgan.—Sir C. Hanb. Williams.

*Monmouth.* Lord Charles Noel Somerset; succeeded his brother as duke of Beaufort, a new writ ordered, March 4, 1745.—Sir Charles Kemys Tynte.

NORFOLK. Edward viscount Coke; heir-apparent to his mother the baroness Clifford.—Armine Wodehouse.

*Norwich.* Thomas Vere.—Horatio Walpole; a teller of the exchequer.

*Lynn-Regis.* Sir John Turner.—Sir Robert Walpole; created earl of Orford; a new writ ordered, Feb. 18, 1742.—Edward Bacon.

*Yarmouth.* Roger Townshend; captain of a troop in Wade's regiment of horse, aid-de-camp to his majesty, and governor of the forts and batteries of Yarmouth.—Edward Walpole.

*Thetford.* Lord Augustus Fitzroy; commander of the Orford man of war: died at Jamaica, a new writ ordered, Dec. 23, 1741.—Charles Fitzroy; deputy-ranger of Whittlebury forest, and ranks as colonel in the army; made groom-porter within all his majesty's houses in England and elsewhere; and a new writ being ordered, Dec. 1, 1743, he was re-elected.—Lord Henry Beauclerk; colonel of a regiment of foot, which he resigned.

*Castle-Rising.* William visc. Andover.—Charles Churchill; lieutenant-general; died, a new writ ordered, Oct. 17, 1745.—Richard Rigby.

NORTHAMPTONSHIRE. Sir Edmund Isham.—Thomas Cartwright.

*Peterborough.* Edward Wortley.—William earl Fitzwilliam; created baron Fitzwilliam of Milton in the county of Northampton; a new writ ordered, April 26, 1742. Since created earl Fitzwilliam in England. Armsted Parker.

*Northampton.* George Compton; made a lord of the treasury; and a new writ being ordered, Feb. 18, 1742, he was re-elected.—William Wilmer; died, a new writ ordered, April 7, 1744.—George Montagu.

*Brackley.* Sir Paul Methuen.—George Lee; Chairman of the committee of elections, made a lord of the admiralty; a new writ ordered, March 16, 1742. He was afterwards chosen for the Devizes.—Sewallis Shirley.

*Higham-Ferrers.* Henry Finch; made

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his election for Malton.—Henry Conway.

NORTHUMBERLAND. John Fenwick.—Sir William Middleton.

*Newcastle upon Tyne.* Walter Blacket.—Nicholas Fenwick.

*Morpeth.* Robert Ord.—Sir Henry Liddell.

*Berwick upon Tweed.* W. Wildm. visc. Barrington; made a lord of the admiralty; and a new writ being ordered, Feb. 20, 1746, he was re-elected.—Thomas Watson.

NOTTINGHAMSHIRE. William Levinz, jun.—John Mordaunt.

*Nottingham-Town.* Borlace Warren; died, a new writ ordered, May 20, 1747.—John Plumptre.—Sir Charles Sedley.

*East-Retford.* John White.—William Mellish.

*Newark.* Lord William Manners.—Job Staunton Charlton.

OXFORDSHIRE. Sir Jas. Dashwood.—Geo. H. visc. Quarendon; succeeded his father as earl of Litchfield; a new writ ordered, Feb. 24, 1743.—Norris Bertie; grandson to Henry, brother to James, the first earl of Abingdon.

*Oxford University.* Edward Butler; died, a new writ ordered, Nov. 6, 1745.—Henry viscount Cornbury.—Peregrine Palmer.

*Oxford.* Philip Herbert.—Thomas Rowney.

*Woodstock.* John Spencer; made ranger and keeper of his majesty's great park at Windsor, and a new writ being ordered, Nov. 27, 1744, he was re-elected, and died; a new writ ordered, June 25, 1746.—James Dawkins.—John Trevor.

*Banbury.* William Moore; died, a new writ ordered, Nov. 18, 1746.—John Willes.

RUTLANDSHIRE. James Noel.—John Finch.

SALOP. Sir John Astley.—Richard Lyster.

*Shrewsbury.* William Kynaston.—Sir Richard Corbet.

*Bridgenorth.* Thomas Whitmore.—William Whitmore.

*Ludlow.* Hen. Arth. Herbert; created lord Herbert of Cherbury; a new writ ordered, Dec. 22, 1743, afterwards earl Powis.—Sir William Corbet.—Richard Herbert; made a lieutenant-colonel in his majesty's army; and a new writ being ordered, Oct. 24, 1745, he was re-elected.

*Great Wenlock.* Brooke Forrester.—Sir B. Broughton Delves; died, a new writ ordered, Nov. 27, 1744.—Isaac Hawkins Brown.

*Bishop's Castle.* Hen. marq. of Carnarvon; succeeded his father as duke of Chandos; a new writ ordered, Nov. 27, 1744.—Andrew Hill.—Granville visc. Trentham.

SOMERSETSHIRE. Thomas Prowse.—H. W. Berkley Portman.

*Bristol.* Sir Abraham Elton; died, a new writ ordered, Nov. 16, 1742.—Edward Southwell.—Robert Hoblyn.

*Bath.* Philip Bennet.—George Wade; field-marshal of his majesty's forces, made lieutenant-general of his majesty's ordnance; and the opinion of the House being desired, June 22, 1742, Whether by the acceptance of the said office, his seat in parliament became void; and a motion being made, and the question being proposed, that the accepting the office of master-general or lieutenant-general of his majesty's ordnance, by any member of this House, being an officer in the army, does vacate the seat of such member in this House. The House was moved, that the 28th section of the act of the 6th of queen Anne, for the security of her majesty's person and government, might be read. And the same being read accordingly, and the question being put, it passed in the negative, *nemine contradicente.*

*Wells.* Francis Gwyn.—George Speke.

*Taunton.* Sir John Chapman.—John Buck; died, a new writ ordered, April 8, 1745.—Percy Wynd. Obrien.

*Bridgewater.* G. B. Doddington; made treasurer of his majesty's navy; and a new writ being ordered, Dec. 22, 1744, he was re-elected.—Vere Powlet.

*Minehead.* Francis Whitworth; died, a new writ ordered, March 12, 1742.—Thomas Carew.—John Periam.

*Ilchester.* Charles Lockyer.—Sir Robert Brown.

*Milborn Port.* T. Medlycot, jun.; made a commissioner of hawkers and pedlars; a new writ ordered, Jan. 29, 1742.—Jeffery French.—Michael Harvey.

SOUTHAMPTON. Lord Harry Powlett.—Powlett St. John.

*Winchester.* William Powlett; eldest son to lord William.—George Bridges.

*Southampton Town.* Peter Delmé, Edward Gibbon.

*Portsmouth.* Philip Cavendish; admiral of the blue, and porter of St. James's palace, made a lord of the admiralty; and a new writ being ordered, March 15, 1742, he was re-elected and died;

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a new writ ordered, Dec. 7, 1743.—Martin Bladen; died, a new writ ordered, Feb. 21, 1746.—Sir Charles Hardy; died, a new writ ordered, Dec. 20, 1744.—Thomas Gore; before in this parliament for Agmondesham.—Isaac Townshend.

*Yarmouth.* Maurice Bockland; colonel of a regiment of foot.—Thomas Gibson; died, a new writ ordered, Nov. 30, 1744.—Robert viscount Carteret.

*Petersfield.* Jn. Jolliffe.—Francis Fane; made one of the commissioners of trade and plantations; and a new writ being ordered, Nov. 18, 1746, he was re-elected.

*Newport.* Anthony Chute. — Monoux Cope.

*Stockbridge.* Charles Churchill.—Matthew Lamb.

*Newton.* Sir John Barrington.—Henry Holmes.

*Christ-Church.* Edward Hooper, jun.; made paymaster of divers annual bounties and pensions, and a new writ being ordered, Jan. 14, 1743, he was re-elected.—Charles Arm. Powlett.

*Lymington.* Harry Burrard.—Lord Nassau Powlett; died, a new writ ordered, Dec. 23, 1741.—Charles Powlett.

*Whitchurch.* John Selwyn, jun.; made paymaster of his majesty's marines; and a new writ being ordered, Dec. 19, 1746, he was re-elected.—John Wallop; made his election for Andover.—William Sloper; died, a new writ ordered, Jan. 21, 1743.—Charles Clarke; made a baron of the exchequer, a new writ ordered, Feb. 11, 1743.—Thomas Wentworth; brigadier-general of his majesty's forces.

*Andover.* John Pollen; made a Welsh judge; and a new writ being ordered, March 31, 1742, he was re-elected.—John Wallop.

STAFFORDSHIRE. Sir Walt. Wag. Bagot.—Will. Levison Gower.

*Litchfield.* Geo. Venab. Vernon.—Sir Lister Holte.

*Stafford.* John viscount Chetwynd.—William Chetwynd; made master-worker of his majesty's mint; and a new writ being ordered, Dec. 22, 1744, he was re-elected.

*Newcastle-under-Line.* Bapt. Lev. Gower; made a commissioner of trade and plantations; and a new writ being ordered, May 2, 1745, he was re-elected.—Randle Wilbraham.

*Tamworth.* L. John Philip Sackville.—John Floyer; not duly elected.—Charles Cotes.

SUFFOLK. Sir Cordell Firebrace.—Sir Jermyn Davers; died, a new writ ordered, March 3, 1743.—John Affleck.

*Ipswich.* Samuel Kent.—Edward Vernon.

*Dunwich.* Sir George Downing.—Jacob Gar. Downing.

*Orford.* John visc. Glenorchy; made master of his majesty's jewel-office; a new writ ordered, Jan. 21, 1746.—Henry Legge; made surveyor-general of his majesty's woods on the north side of the river Trent; and a new writ being ordered, July 15, 1742, he was re-elected, and made a lord of the admiralty; and a new writ being ordered, April 11, 1745, he was re-elected and made a lord of the treasury; and a new writ being ordered he was re-elected.—John, visc. Bateman.

*Aldborough.* Richard Plumer.—William Conolly.

*Sudbury.* Carteret Leathes. — Thomas Fonnereau.

*Eye.* Stephen Cornwallis; colonel of a regiment of foot; died, a new writ ordered, Dec. 1, 1743.—John Cornwallis.—Edward Cornwallis; made one of the grooms of his majesty's bedchamber, and a new writ being ordered, Jan. 19, 1747, he was re-elected.

*St. Edmunds-Bury.* Thomas Norton.—Thomas Hervey.

SURREY. Charles lord Baltimore; made a lord of the admiralty; and a new writ ordered, March 15, 1742, he was re-elected.—Arthur Onslow.

*Southwark.* Thomas Inwen; died, a new writ ordered, April 21, 1743.—Ralph Thrale.—Alexander Hume, East India director.

*Blechingley.* Sir William Clayton; died, a new writ ordered, Jan. 10, 1745.—Kenric Clayton.—William Clayton.

*Ryegate.* Philip Yorke.—James Cocks.

*Guilford.* Denzil Onslow; made paymaster of his majesty's board of works; and a new writ being ordered, Dec. 22, 1743, he was re-elected. — Richard Onslow.

*Gatton.* George Newland.—Charles Dominique; died, a new writ ordered, Oct. 17, 1745.—Paul Humphrey.

*Haslemere.* James Oglethorpe; general and commander of his majesty's forces in Georgia, colonel of a regiment, trustee for Georgia, and lieutenant general.—Peter Burrel.

SUSSEX. James Butler; died, a new writ ordered, Dec. 23, 1741.—Henry Pelham; made first lord of the treasury, and a new writ being ordered, Dec. 1, 1743, he was re-elected.—Charles earl of Middlesex; made a lord of the treasury, and a new writ being ordered,

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Dec. 22, 1743, he was re-elected. He was before in this parliament for East Grinstead.

*Chichester.* James Brudenell; died, a new writ ordered, Aug. 11, 1746.—John Page.—George viscount Bury.

*Horsham.* Sir Richard Mill.—Charles Ingram.

*Midhurst.* Thomas Bootle.—Sir John Peachey; died, a new writ ordered, April 13, 1744.—Sir John Peachey.

*Lewes.* Thomas Pelham; son of Thomas of Stanmere; died, a new writ ordered, Dec. 1, 1743.—John Morley Trevor; made a lord of the admiralty; and a new writ being ordered, March 15, 1742, he was re-elected, and died; a new writ ordered, Dec. 1, 1743.—Sir Francis Poole.—Sir John Shelly.

*Shoreham.* Thomas Brand.—Charles Frederick; made clerk of the deliveries in the office of ordnance; and a new writ being ordered, April 14, 1746, he was re-elected.

*Bramber.* Thomas Archer.—Harry Gough.

*Steyning.* Charles Eversfield.—Hitch Younge.

*East Grinsted.* Cha. earl of Middlesex; made head-steward of his majesty's honour of Otford in Kent; a new writ ordered, Jan. 18, 1742. He was re-chosen for the county of Sussex.—Whistler Webster.—John Butler.

*Arundel.* Garton Orme.—James Lumley.

WARWICKSHIRE. Sir Cha. Mordaunt.—Edw. Digby; died, a new writ ordered, Nov. 18, 1746.—William Craven.

*Coventry.* George earl of Euston.—William Grove.

*Warwick.* Wills Hill.—Henry Archer.

WESTMORELAND. Sir Philip Musgrave.—Daniel Wilson.

*Appleby.* Sir John Ramsden.—G. Bubb Doddington; made his election for Bridgwater.—Sir Charles Wyndham.

WILTSHIRE. Sir Robert Long.—Edward Popham.

*New Sarum.* Sir Edward Seymour.—Sir Jacob Bouverie.

*Wilton.* Robert Herbert.—William Herbert.

*Downton.* Anthony Duncombe.—John Verney; master of the rolls, died, a new writ ordered, Dec. 24, 1741.—Joseph Wynd. Ashe; died, a new writ ordered, Nov. 18, 1746.—George Proctor.

*Hindon.* Sir Henry Calthorpe.—William Steele.

*Heytesbury.* Edward Ashe.—Peirce A'court.

*Westbury.* George Evans.—Joseph Townshend.

*Calne.* Walter Hungerford.—William Elliot; made one of the equerries to his majesty, and a new writ being ordered, April 14, 1743, he was re-elected.

*Devizes.* Francis Eyles; made superintendant of his majesty's founderies, a new writ ordered, July 13, 1742.—John Garth.—George Lee; before in this parliament for Brackley.

*Chippenham.* Sir Edmund Thomas.—Edward Bayntun Rolt.

*Molmsbury.* Giles Earle.—Will. Rawlinson Earle.

*Cricklade.* Charles Gore, Welbore Ellis; double return, the former was chosen for the county of Hertford, and waved his return.—Sir Thomas Read.

*Great Bedwin.* Sir Edward Turner.—Lascelles Metcalfe.

*Lugershall.* Charles Selwyn.—Thomas Hayward.

*Old Sarum.* George Lyttelton; made his election for Oakhampton.—William Pitt; made joint-vice-treasurer, and receiver-general and paymaster-general of all his majesty's revenues in the kingdom of Ireland, with the earl of Cholmondeley; and a new writ being ordered, Feb. 20, 1746, he was re-elected; also paymaster-general of his majesty's land forces; and a new writ being ordered, May 5, 1746, he was re-elected.—James Grenville; made one of the commissioners for trade and plantations; and a new writ being ordered, Feb. 20, 1746, he was re-elected, and made receiver of the crown and fee-farm rents for the counties of Warwick and Leicester; and a new writ being ordered, May 21, 1747, he was elected for Bridport.—Edward Willis.—Sir William Irby; made his election for Bodmyn.

*Wotton Basset.* J. Harvey Thursby.—Robert Neale.

*Marlborough.* Sir J. Hynde Cotton; made treasurer of the chamber; and a new writ being ordered, Dec. 22, 1744, he was re-elected.—John Crawley.

WORCESTERSHIRE. Edmund Pytts.—Edmund Lechmere.

*Worcester.* Tho. Winnington; made paymaster-general of his majesty's land forces; and a new writ being ordered, Dec. 19, 1743, he was re-elected, and died; a new writ ordered, April 30, 1746.—Samuel Sandys; made a lord of the treasury, and chancellor and under-treasurer of the exchequer; and a new writ being ordered, Feb. 18, 1742, he was re-elected, and created lord Sandys; a new writ ordered, Dec. 22,

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1743.—Thomas Vernon.—Sir Henry Harpur.

*Droitwich.* Thomas Foley. — Thomas Winnington; made his election for Worcester.—Lord George Bentinck.

*Evesham.* Edward Rudge. — Sir John Rushout; made a lord of the treasury, and a new writ being ordered, Feb. 18, 1742, he was re-elected; afterwards made treasurer of his majesty's navy; and a new writ being ordered, Dec. 21, 1743, he was re-elected.

*Bewdley.* William Bowles.

YORKSHIRE. Charles visc. Morpeth; died, a new writ ordered, Dec. 23, 1741.—Sir Myles Stapylton.—Cholmond. Turner.

*York.* Godfrey Wentworth. — Edward Thompson; died, a new writ ordered, July 13, 1742.—George Fox.

*Kingston-upon-Hull.* George Crowle.—William Carter; died, a new writ ordered, April 9, 1744.—Henry Pulteney.

*Knaresborough.* Sir Henry Slingsby.—Richard Arundel; made a lord of the treasury; and a new writ being ordered, Dec. 22, 1744, he was re-elected, and made treasurer of the chamber; and a new writ being ordered, June 23, 1746, he was re-elected.

*Scarborough.* William Thompson; died, a new writ ordered, Nov. 27, 1744.—William Osbaldeston. — Edwin Lascelles.

*Rippon.* William Aislabie.—Henry Vane; made vice-treasurer, receiver-general, and paymaster-general of all his majesty's revenues in the kingdom of Ireland; and a new writ being ordered, July 14, 1742, he was re-elected.

*Richmond.* John York. — Sir Conyers D'Arcy.

*Hedon.* Francis Chute.—Luke Robinson; both not duly elected.—Algernon E. Mountrath; died, a new writ ordered, Nov. 28, 1744. — George Berkeley; died, a new writ ordered, Nov. 18, 1746. —George Anson; now lord Anson.—Samuel Gumley; not duly elected. Resolved, Feb. 3, 1747, That the right of election is in the burgesses of this borough.—Luke Robinson.

*Borough-Bridge.* James Tyrrel; colonel of a regiment of foot, brigadier-general, and governor of Tilbury-Fort; died, a new writ ordered, Nov. 22, 1742.—George Gregory; died, a new writ ordered, April 11, 1746.—William Murray; solicitor-general to his majesty.—Francis earl of Dalkeith.

*Malton.* Ld. Ja. Cavendish jun.; died, a new writ ordered, Dec. 23, 1741.—Henry Finch; made surveyor-general of his majesty's works, and a new writ being ordered, Dec. 21, 1743, he was re-elected.—John Mostyn; colonel in the guards, and aid-de-camp, made one of the grooms of the bedchamber to his majesty; and a new writ being ordered, Jan. 22, 1746, he was re-elected.

*Thirsk.* Sir Tho. Frankland; died, a new writ ordered, May 1, 1747.—Frederick Frankland.—Tho. Frankland; captain of a man of war.

*Aldborough.* John Jewkes; died, a new writ ordered, Dec. 1, 1743.—Andrew Wilkinson; made storekeeper of the ordnance; and a new writ being ordered, April 14, 1746, he was re-elected.—Na. Newnham.

*Beverley.* Charles Pelham. — William Strickland.

*Northallerton.* Henry Peirse.—William Smelt; made receiver-general of his majesty's casual revenue in the island of Barbadoes; and a new writ ordered, April 30, 1745.—Henry Lascelles.

*Pontefract.* Geo. Moreton Pitt.—John visc. Galway; commissioner of the revenue in Ireland, which he resigned in parl. 10.

## CINQUE PORTS.

*Hastings.* James Pelham; secretary to the lord chamberlain.—Andrew Stone; secretary under the duke of Newcastle, principal secretary of state; made secretary of the island of Barbadoes, and a new writ being ordered, April 1, 1742, he was re-elected.

*Dover.* Lord George Sackville.—Thomas Revell; contractor for Gibraltar.

*Sandwich.* John Pratt. — Sir George Oxenden.

*Hythe.* Hercules Baker; died, a new writ ordered, Nov. 27, 1744.—William Glanville.—Thomas Hales.

*New Romney.* Sir Francis Dashwood.—Henry Furnese.

*Rye.* Sir John Norris. — Phillips Gybbon; made a lord of the treasury; and a new writ being ordered, Feb. 18, 1742, he was re-elected.

*Winchelsea.* Arth. visc. Doneraile.—Tho. Orby Hunter; gentleman of the privy chamber to his majesty.

*Seaford.* Sir W. Gage; died, a new writ ordered, May 3, 1744.—William Haye. —William Hall Gage.

## WALES.

ANGLESEY. John Owen.

*Beaumaris.* James visc. Bulkeley.

BRECON. John Jefferies.

*Brecon.* John Talbot.



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CARDIGAN. Walter Lloyd; not duly elected.—Thomas Powel.

*Cardigan.* Thomas Pryse; Richard Lloyde, esq. petitioner, renewed sess. 2, 3, 4, 5, and heard at the bar of the house, Jan. 23, 1746, when the petitioner's counsel represented that he was not prepared to proceed, and desired the hearing of the matter of the petition might be deferred for three weeks, which being objected to by the counsel for the burgesses, who voted for the late sitting member, Thomas Pryse, esq. deceased, praying, that in respect of the time which was elapsed since the petitioner's first application to the house, and of the opportunity thereby given him to be prepared to prove the allegations of his petition, that the petition might be dismissed. Ordered, that the petition be dismissed, and that a new writ be issued in the room of Thomas Pryse, esq. deceased.—John Symmons.

CARMARTHEN. Sir Nich. Williams; died, a new writ ordered, Oct. 18, 1745.—John Vaughan.

*Carmarthen.* Sir John Philips.

CARNARVON. William Bodvelle.

*Carnarvon.* Thomas Wynne.

DENBIGH. John Myddelton; voted not duly returned, but had liberty to petition if he thought fit; which he did not.—Sir Wat. W. Wynn.

*Denbigh.* John Wynne.

FLINT. Sir John Glynn.

*Flint.* Sir George Wynne; voted not duly elected.—Richard Williams.

GLAMORGAN. Bussy Mansell; succeeded his brother as lord Mansell; a new writ ordered, Dec. 6, 1744.—Thomas Matthews.

*Cardiff.* Herbert Mackworth.

MERIONETH. William Vaughan.

MONTGOMERY. Sir Wat. W. Wynne; made his election for the county of Denbigh.—Robert Williams.

*Montgomery.* Ja. Cholmondeley; lieut.-col. of the horse guards, and governor of Chester.

PEMBROKE. John Campbell; made a lord of the treasury; and a new writ being ordered, June 23, 1746, he was re-elected.

*Pembroke.* William Owen.

*Haverford West.* Sir Erasm. Philipps; died, a new writ ordered, Dec. 1, 1743.—George Barlow.

RADNOR. Sir Hum. Howarth.

*Radnor.* Thomas Lewis.

## SCOTLAND.

SHIRE OF

*Aberdeen.* Sir Arthur Forbes.

*Ayr.* Patrick Crawford.

*Argyle.* Capt. Charles Campbell; died, a new writ ordered, Jan. 18, 1742.—Ja. Stu. Mackenzie; brother to the earl of Bute.

*Banff.* Ja. Abercrombie; lieut. col. of the regiment of foot called Royal Scots.

*Berwick.* Sir John St. Clair.—A. H. Campbell; double return; the latter duly elected.

*Bute.* Alexander Brodie; lord Lyon, king at arms.

*Clackmannan.* Sir John Bruce Hope.

*Cromarty.* Sir William Gordon; died, a new writ ordered, Dec. 2, 1742.—Sir John Gordon.

*Dumfries.* Sir John Douglas.

*Dunbarton.* John Campbell.

*Edinburgh.* Sir Charles Gilmour; made paymaster of his majesty's board of works; and a new writ being ordered, July 14, 1742, he was re-elected. Afterwards made one of the commissioners for trade and plantations; and a new writ being ordered, Dec. 22, 1743, he was re-elected. Several electors petitioned against this last election, but he was voted duly elected.

*Elgin.* Ludovick Grant.

*Fife.* David Scott.

*Forfar.* William Maule; created earl of Panmure, in Ireland; son of Harry Maule, lord Brechin, eldest son of James, earl of Panmure, in Scotland, who being concerned in the rebellion 1715, was attainted of high-treason.

*Haddington.* Lord Charles Hay.

*Inverness.* Norman M'Leod.

*Kincardine.* Sir James Carnegie; made a captain of foot in his majesty's army; and a new writ being ordered, Dec. 3, 1744, he was re-elected.

*Kirkcudbright.* Basil Hamilton; died, a new writ ordered, Dec. 2, 1742.—Captain John Maxwell.

*Lanark.* Sir James Hamilton.

*Linlithgow.* George Dundas; made master of his majesty's works in Scotland; a new writ ordered, April 20, 1743.—Charles Hope Weir; brother of the earl of Hopetoun; made commissary general of the musters in Scotland; and a new writ being ordered, Nov. 30, 1744, he was re-elected.

*Orkney.* Col. Rob. Douglas; killed at the battle of Fontenoy; a new writ ordered, Jan. 12, 1747.—James Hally-burton.

*Peebles.* Alexander Murray.

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*Perth.* Lord John Murray.

*Renfrew.* Al. Cunninghame; died, a new writ ordered, Nov. 22, 1742.—William Muir.

*Ross.* Charles Ross; died, a new writ ordered, Nov. 18, 1746.—Sir Harry Monro.

*Roxburgh.* John Rutherford, jun.; made a captain of an independent company in his majesty's army; and a new writ ordered, Jan. 18, 1742. — William Douglas.

*Selkirk.* John Murray.

*Stirling.* Lord George Grahame; died, a new writ ordered, Jan. 22, 1747.—Thomas Erskine; son of the late earl of Mar.

*Sutherland.* Brig. Gen. Ja. St. Clair; colonel of a regiment of foot, and of two battalions.

*Wigton.* James Stuart; son to James, earl of Galloway, and colonel in the third regiment of foot guards.

*Edinburgh City.* Archibald Stewart.

Boroughs of

*Kirkwall, &c.* Charles Areskine; sir Robert Monro, bart. petitioner; the election declared void; a new writ ordered, March 3, 1742.—Robert Craigie; king's advocate.

*Inverness, &c.* Kenneth Mackenzie; son of the earl of Seaforth, attainted for joining in the rebellion in 1715, called lord Fortrose.

*Elgin, &c.* Sir James Grant; died, a new writ ordered, Jan. 19, 1747.—William Grant.

*Aberdeen, &c.* John Maule.

*Forfar, &c.* John Drummond; died, a new writ ordered, Dec. 21, 1742.—Captain Thomas Leslie.

*Crail, &c.* Hon. John Stuart.

*Dysart, &c.* James Oswald; made a commissioner of the navy, and a new writ being ordered, Jan. 10, 1745, he was re-elected.

*Inverkeithing, &c.* James Erskine; brother to the late earl of Marr, and secretary to the prince for Scotch affairs.

*Glasgow, &c.* Neil Buchanan; died, a new writ ordered, Feb. 25, 1744.—Lieut. Col. John Campbell.

*Selkirk, &c.* James Carmichael.—John M'Kay; double return; the former waved his return.

*Haddington, &c.* James Fall.—Sir Hew Dalrymple; double return; the former waved his return.

*Dumfries, &c.* Lord John Johnston; died, a new writ ordered, Dec. 21, 1742.—Sir James Johnston.

*Wigton, &c.* William Stuart.

*Ayr, &c.* George earl of Granard.

Sixteen Peers of Scotland.

Dukes of Athol.
Buccleugh.
Marq. of Lothian.
Earls of Crawford.
Sutherland.
Morton.
Loudon.
Finlater.
Selkirk.
Belcarras.
Dunmore.
Orkney.
Portmore.
Hopeton.
Ilay.
Lord Cathcart.

*Mr. Arthur Onslow re-chosen Speaker.*] The Commons being returned to their House,

Mr. *Henry Pelham* addressing himself to the clerk (who standing up, pointed to him, and then sat down,) said to this effect:*

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* From the Commons' Journal. The following, from the Gentleman's Magazine, is Dr. Johnson's report of the Speeches on the Choice of a Speaker:

Mr. *Pelham:*

Mr. Hardinge; as we are here assembled, in pursuance of his majesty's summons, it is necessary, in obedience to his majesty's commands, and the established custom of this House, that we proceed immediately to the choice of a person qualified for the chair. Gentlemen, it is with no common degree of satisfaction, that I observe this assembly so numerous on the first day; because whatever is transacted by us, must necessarily be considered by the nation with more regard, as it is approved by a greater number of their representatives; and because the present affair, which relates particularly to this House, must be more satisfactorily conducted, as our number is greater; since every man must willingly abide by his own choice, and cheerfully submit to that authority of which he has himself concurred to the establishment.

The qualifications required in the person who shall fill the chair, to his own reputation, and the advantage of the House, it is not necessary minutely to recount; it being obvious to every gentleman who hears me, that he must possess such an equality of temper, as may enable him always to preserve a steady and impartial attention, neither discomposed by the irregularities into which some gentlemen unacquainted with the forms of this House may easily fall, nor disconcerted by the heat

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Mr. Hardinge;

We are met, by his majesty's gracious order, in a new parliament, and agreeably to the custom of former times, we are directed, in the first place, to choose a proper person to fill the Chair of this House. This is an affair of the greatest importance to the being of parliaments. And it becomes us seriously to consider

and turbulence to which, in former parliaments, some of those whose experience might have taught them the necessity of decency, have been too often hurried by the eagerness of controversy. That he must add to his perpetual serenity, such a firmness of mind, as may enable him to repress petulance and subdue contumacy, and support the orders of the House, in whatever contrariety of counsels, or commotion of debate, against all attempts of infraction or deviation. That to give efficacy to his interpositions, and procure veneration to his decisions, he must from his general character and personal qualities derive such dignity and authority, as may naturally dispose the minds of others to obedience, as may suppress the murmurs of envy, and prevent the struggles of competition.

These qualifications were eminently conspicuous in the gentleman who filled the chair in the earlier part of my life, and who is now one of the ornaments of the other House. Such were his abilities, and such his conduct, that it would be presumptuous in any man, however endowed by nature, or accomplished by study, to aspire to surpass him; nor can a higher encomium be easily conceived, than this House bestowed upon that person, who was thought worthy to succeed him.

The office which we have now to confer, is not only arduous with regard to the abilities necessary to the execution of it, but extremely burthensome and laborious, such as requires continual attendance, and incessant application; nor can it be expected that any man would engage in it, who is not ready to devote his time and his health to the service of the public, and to struggle with fatigue and restraint for the advantage of his country.

Such is the gentleman whom I shall propose to your choice; one whose zeal for the present royal family, and the prosperity of the nation, has been always acknowledged, and of whom it cannot be suspected that he will be deterred by any difficulties from a province which will afford him so frequent opportunities of promoting the common interest of the king and the people.

What success may be expected from his endeavours, we can only judge from his present influence; influence produced only by his private virtues, but so extensive in that part of the country, which lies within the reach of his beneficence and the observation of his merit, that it sets him not only above the danger, but above the fear of opposition, and secures him a seat in this House without contest.

Thus deputed by his country to many successive parliaments, he has acquired an unrivalled degree of knowledge in the methods of our proceedings, and an eminent dexterity in digesting them with that order and perspicuity by which only the transaction of great affairs can be made expeditious, and the discussion of difficult questions be disentangled from perplexity; qualities which are now made particularly necessary by the importance of the subjects to be considered in this parliament: so that I doubt not but you will unanimously concur with me in desiring that the chair may be filled by a person eminently distinguished by his knowledge, his integrity, his diligence, and his reputation; and therefore I move without scruple, That the right hon. Arthur Onslow, esq. be called to the Chair.

Mr. *Clutterbuck* seconded the motion in this manner: That I am not able to add any thing to the encomium of the right hon. gentleman nominated to the Chair, gives me no concern, because I am confident, that in the opinion of this assembly his name alone includes all panegyric, and that he who recommends Arthur Onslow, esq. will never be required to give the reason of his choice. I therefore rise now only to continue the common methods of the House, and to second a motion which I do not expect that any will oppose. [Here the whole House cried out, Onslow! Onslow!]

Mr. *Onslow* then rose up and said: Though I might allege many reasons against this choice, of which the strongest is my inability to discharge the trust conferred upon me in a manner suitable to its importance, yet I have too high an idea of the wisdom of this House, to imagine that they form any resolution without just motives; and therefore shall think it my duty to comply with their determination, however opposite to my own opinion.

Mr. Pelham and Mr. Clutterbuck then led him to the Chair, where, before he went to it, he desired; That the House would consider how little he was qualified for the office which they were about to confer upon him, and fix their choice upon some other person, who might be capable of discharging so important a trust.

The members calling out, the Chair, Chair, Chair, he ascended the step, and then addressed himself thus to the House: Gentlemen; since it is your resolution, that I should once more receive the honour of being exalted to this important office, for which it is not necessary to mention how little I am qualified, since I may hope that those defects which have hitherto been excused, will still find the same indulgence; my gratitude for a distinction so little deserved, will always incite me to consult the honour of the House, and enable me to supply by duty and diligence what is wanting in my knowledge and capacity.

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whom we elect into an office, that requires a man of the greatest ability, the greatest integrity, and the greatest application. It is with pleasure I see many persons, under these various descriptions, who deserve to be called to this honour. But when I see one particular person who has already discharged this employment so much to his own honour, and so much to the interest of this House; when I see one of this distinguished capacity, it will not be derogatory to their merit thus publicly to express my thoughts of his.

It was in the early days of his life, when, by the unanimous consent of this House, he was placed in that high station, in which he succeeded a person of great honour, whose authority gave weight to the proceedings of this House: and it was an evident mark of public esteem, and a convincing proof of merit, to be thus appointed his successor.

I believe all mankind sees the situation of affairs abroad and at home; so that it is probable, that matters of the greatest importance may come under the consideration of this House; which ought to induce us the more willingly to place in that Chair one, whose principles, experience in the laws of his country, and particular application to the proceedings of parliament, do so well qualify him to preside in this assembly.

When I consider (what recommends him to me, and is, in my opinion, not the least of his virtues) his constant and firm zeal for his present majesty, his father, and the succession in his illustrious House —when I consider (what also weighs with me, and I doubt not with every one who hears me) his steady adherence to the rules of parliament—when I consider his candour and impartiality, his temper and resolution—temper to indulge the young and unexperienced members, and resolution to correct the oldest—when I consider these qualifications, by which he has gained a general esteem, I must conclude, that it will be always incumbent upon us, as long as he is able, to desire his acceptance of this important office. When I have said this, I am persuaded every gentleman has already in his thoughts the person whom I mean to propose—Mr. Onslow.

And I make no doubt, but that all gentlemen, those especially with whom I have sat in former parliaments, will unanimously concur with me in the choice of the person whom I now offer. If I should not offend his ears, I could say, that his behaviour in private as well as in public life is an amiable part of his character; of which his neighbours and countrymen have shewn their opinion, by unanimously sending him to parliament. Let us shew our sense of him, by calling (I should rather say desiring) him to undertake this laborious task, that our choice may soon be spread through, and approved by, the whole united kingdom. I am sorry I am not able to set forth his qualities in a better manner than I have done; but gentlemen, by their private thoughts, will do him more justice. Therefore I shall move you, "That the right hon. Arthur Onslow, esq. do take the Chair as Speaker."

Then Mr. *Thomas Clutterbuck*, addressing himself likewise to the clerk (who, standing up, pointed to him, and then sat down), said to this effect:

What I rise up for, is to second the hon. gentleman's motion, and not, by any thing I can say, to add weight to it. It is not necessary for me to enlarge upon the merits of the person proposed, or to commend his temper and prudence, his knowledge of the laws and constitution of this kingdom, and of the forms and rules of this House, upon which the honour thereof so much depends. These his endowments we have seen in two successive parliaments; and, added to these, the strictest regard to the interest of the public, his zeal for the liberties of this House, his zeal for his majesty, and his family; it is no wonder, that any person who has these qualifications, should be called upon to so high an office. I congratulate this House, that there is a great number of gentlemen of rank and ability in it; yet I shall still be excused in the preference which I have given. And I cannot but look upon it as a fortunate circumstance, in the present situation of affairs, that we are able to fix our choice upon a person, whom, by experience, we know to be equal to any difficulty. I could say much more; but I fear it may give uneasiness to one person who hears me; and therefore I second the hon. gentleman, That Mr. Onslow do take the chair.

And the House calling Mr. *Onslow* to the chair, he stood up in his place, and said,

"Mr. Hardinge;

"I cannot make acknowledgments enough of what I owe to the honourable persons who have made this motion to the House: I am very sensible, Sir, of my own defects; and although I have, from

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the great candour and indulgence of gentlemen in the two last parliaments, twice gone through this difficult trust, yet am I sensible too, that will not make the repetition of it in me now either less hazardous to myself, or of less danger to the public affairs: but, however, Sir, I will not trouble gentlemen with the arguments of disability in myself, which I might, perhaps ought to use at this time; but shall submit myself intirely to the judgment of the House, to dispose of me in whatever manner they shall think proper, on this and every other occasion."

And the House again calling Mr. Onslow to the chair, he was taken out of his place by Mr. Pelham and Mr. Clutterbuck, who led him from thence to the chair, where, upon the first step, he said,

"It is my duty to inform gentlemen, that they have yet an opportunity to reconsider what they have done, by suffering me to go back to the place I have just now left."

But the members cried "No! No!"

Whereupon Mr. *Onslow* ascended the upper step; and, standing there, said,

"Since gentlemen have commanded me to this eminence, I have now only to return them my humblest thanks for this particular instance of their favour to me; the sense of which I hope I shall always retain with that respect and gratitude to the House, this mark of their esteem will ever claim from me."

And thereupon he sat down in the chair; and then the mace, which before lay under the table, was laid upon the table.

*The Speaker's Speech on being presented to the King and approved of.*] Dec. 4. The King being seated on the throne, adorned with his crown and regal ornaments, and attended with his officers of state, the Lords being in their robes; commanded the gentleman usher of the black rod to let the Commons know, "It is his majesty's pleasure, that they attend him immediately, in this House." Who being come;

Mr. *Onslow* said:

"May it please your most excellent majesty;

"The Commons of Great Britain, in parliament assembled, have, in pursuance of your majesty's commands, and according to their ancient right to make choice of one of their members to be their Speaker, once more elected me to this high and painful office; but how properly for me, for themselves, and for the public, is now with your majesty to judge; and to your royal judgment, Sir, do I, with all humbleness and resignation, submit myself; being well assured, that, should your majesty think fit to disapprove of this their present choice, your Commons will have no difficulty to find some other person among them, to be presented to your majesty on this occasion, to whom none of those objections can be made, which, I fear, may too justly, from my imperfections, arise in your royal breast, upon my being again the subject of your majesty's consideration for this important charge."

The *Lord Chancellor*, receiving directions from his majesty, said,

"Mr. Onslow; the king has had so many eminent proofs of your ability and zeal for the service of himself and of your country (which is always the same) in the high station to which you are now a third time called, that his majesty has commanded me to let you know, that he entirely approves the choice which his faithful Commons have made; and therefore allows and confirms you to be their Speaker."

Then Mr. *Speaker* said:

"Since your majesty has been pleased to ratify the choice your Commons have made of me to be their Speaker; it is my duty, Sir, to submit myself to your royal determination, and to return your majesty my humblest thanks for this mark of your royal grace and favour to me; and to assure you, Sir, of my best endeavours, to discharge as I ought this great trust which the Commons have committed to, and your majesty has now confirmed upon me. And for my encouragement therein, suffer me, great Sir, to hope for your majesty's pardon of my failings and infirmities; at least, that your majesty will not impute them in any wise to your faithful Commons. And, that they may be the better enabled to perform their duty to your majesty and their country, I do, in their name, and on their behalf, by humble petition to your majesty, lay claim to all their ancient rights and privileges; particularly, That they, their servants, and estates, may be free from arrests, and all molestations: That they may enjoy freedom of speech in all their debates; and have liberty of access to

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your royal person when occasion shall require it. And that all their proceedings may receive from your majesty the most favourable construction."

Then the *Lord Chancellor*, by his majesty's further commands, said:

"Mr. Speaker; the king has an entire confidence in the prudence and temper of this House of Commons, as well as in their duty and affection to his person and government; and his majesty does most readily grant to them all their privileges, in as full and ample manner as they have at any time heretofore been granted or allowed by his majesty, or any of his royal predecessors. As to the suit which you, Sir, have made on your own behalf; your former conduct is the clearest evidence how little you stand in need of it: but, for your greater encouragement and support in the execution of so important a trust, his majesty, agreeably to his wonted goodness, has commanded me to assure you, that he will always put the most favourable construction both upon your words and actions."

*The King's Speech on Opening the Session.*] Then his Majesty spake as follows:

"My lords, and gentlemen;

"It is always a great satisfaction to me, to meet you assembled in parliament: and especially at this time, when the posture of affairs makes your counsel and assistance so necessary, and when, by means of the new elections, I may have an opportunity of knowing the more immediate sense and disposition of my people in general, from their representatives, chosen during a season which has been attended with great variety of incidents of the highest consequence and expectation, and during the course of the war in which we are engaged against the crown of Spain; a war in itself just and necessary, entered into by the repeated advice of both houses of parliament, and particularly recommended to me to be carried on in America, which has been my principal care: I can therefore make no doubt but that you are met together fully sensible of our present situation, and prepared to give me such advice as shall be most conducive to the honour and true interest of my crown and kingdoms.

"You cannot but have observed, with an attention suitable to the occasion, the impending dangers that threaten Europe, and more immediately such parts of the continent as shall withstand or resist the formidable powers which are confederated for the subversion or reduction of the House of Austria. The apprehension of these things was communicated to the last parliament: when both Houses expressed their great concern for the troubles which were broke out in the Austrian dominions, and came to the strongest resolutions in favour of the queen of Hungary, for the maintenance of the Pragmatic Sanction, and for the preservation of the balance of power, and the peace and liberties of Europe. And had other powers, that were under the like engagements with me, answered the just expectations they had so solemnly given, the support of the common cause had been attended with less difficulty.

"I have, pursuant to the advice of my parliament, ever since the death of the late emperor, exerted myself in the support of the House of Austria. I have endeavoured, by the most proper and early applications, to induce other powers that were equally engaged with me, and united by common interest, to concert such measures as so important and critical a conjuncture required. And where an accommodation seemed to me to be necessary, I laboured to reconcile those princes whose union would have been the most effectual means to prevent the mischiefs that have happened, and the best security for the interest and safety of the whole.

"Although my endeavours have not hitherto had the desired effect; I cannot but still hope that a just sense of the common and approaching danger will produce a more favourable turn in the counsels of other nations. In this situation, it is incumbent upon us to put ourselves in a condition to improve all opportunities that shall offer, for maintaining the liberties of Europe; and to assist and support our friends and allies, at such times, and in such manner, as the exigency and circumstances of affairs shall require; and to defeat any attempts that shall be made against me and my dominions, or against those whom we are most nearly concerned for, and in honour and interest engaged to support and defend.

"Gentlemen of the House of Commons;

"I have ordered Estimates to be laid before you, for the service of the ensuing year; and I must desire you to grant me such supplies as the circumstances of

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affairs require; which you may depend upon it, shall be duly applied to the purposes for which they shall be given.

"My lords, and gentlemen;

"I have, during the course of my reign, had so much experience of the duty and affection of my parliaments to my person and government, and of their zeal for the good of their country, and the support of the common cause; that I do, with the greatest reason, rely upon the continuance of them in the present conjuncture. There never was a time in which your unanimity, vigour, and dispatch, were necessary to so many great ends as those which are now before you. I will do my part; let it appear, by your proceedings and resolutions, that you have that just and hearty concern for them, which their importance requires."*

*Debate in the Lords on the Address of Thanks.*† ] His Majesty having retired,

The Earl of *Malton* rose and said :‡

My lords; though the present perplexity of our affairs, the contrariety of opinions produced by it, and the warmth with which each opinion will probably be supported, might justly discourage me from proposing any of my sentiments to this great House, yet I cannot repress my inclination to offer a motion, in my opinion regular and seasonable, and which, if it should appear otherwise to your lordships, will, I hope, though it should not be received, at least be forgiven, because I have never before wearied your patience, or interrupted or retarded your consultations.

But I am very far from imagining that by this motion I can give any occasion to debate or opposition, because I shall propose no innovation in the principles, or alteration of the practice of this House, nor intend any thing more than to lay before your lordships my opinion of the manner in which it may be proper to address his majesty.

"To return him the Thanks of this House, for his most gracious speech from the throne; and to congratulate his majesty on his safe and happy return into this kingdom.

"To declare our thankfulness, for the

* "The remarkable caution with which his majesty had always mentioned any thing relating to any of his allies, made this Speech the more taken notice of. It was plain that it was not dictated by the minister, because the transactions alluded to in it, happened when his majesty was abroad; and indeed sir Robert Walpole had of late done all he could to encourage the unanimous ardor that appeared in the public in favour of the queen of Hungary. But he was as yet extremely doubtful as to the complexion of the House. His enemies had greatly outdone him in their assiduities to form it; nor did he care to hazard a division upon the address, which was conceived in very general, if not vague, terms." Tindal.

† From the Gentleman's Magazine: compiled by Dr. Johnson.

‡ *From the Secker Manuscript.*

Dec. 4. King's Speech.

*Malton.* Moved an Address, &c.

*Lovel.* Seconded.

*Abingdon.* I can object against no particular in the motion: but return to the old method: vote an Address of Thanks for his majesty's Speech, and if you will, though that is going farther than the old way, congratulation on his safe return: then name a Committee and propose, if you think fit, that such and such Instructions be given to the Committee, and I shall agree to all that have been mentioned.

*Chesterfield.* I wish I could go so far as the noble lord who spoke last. I wish I could make compliments. His majesty should have my tribute unasked and unasking. But I can go no farther than thanks for his Speech and zeal for his person. Compliments have run a fatal length. I wish the advisers of the King's Speech had advised him to tell us more. I see many motives for censure, none for approbation, all for distrust. Europe is now in the situation which two wars were made to prevent, and this almost without a war. The House of Austria is no more, and can never be reunited, and this is the effect of measures pursued with abilities and tending to this end from 1721. If our administration had been a French one, they would have been the ablest in the world. From the death of the Emperor every body saw there were powers claiming and approving claims. The strength of each was known; and besides, the unexpected power of Prussia appeared: a reconciliation should have been brought about at any rate, by shewing each their danger. And there can be no dispute between England and Prussia to hinder it. The plan formed was not approved by me. But even that was ill executed. We brought the king of Prussia at least to a friendly conversation with France. We made great preparations, and then we had no allies; but was not that known? No nation in Europe hath confidence in you. You have been endeavouring to destroy the House of Austria. The Dutch could not act with you alone. An alliance was treating with Russia by a minister of ability. It is said, and if I mistake I shall be set right, that this treaty is not concluded. As to other powers, could we imagine that the

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great concern his majesty has expressed, for carrying on the just and necessary war against Spain; and how fully sensible we are of the impending dangers to which Europe is exposed in the present conjuncture; and particularly of the evil consequences arising from the designs and enterprizes formed and carrying on for the subversion or reduction of the House of Austria, which threaten such apparent mischiefs to the common cause.

"To acknowledge his majesty's great

queen of Hungary would offer them what France would offer them, out of what was not her own. We took foreign troops into our pay, and then all ended by a neutrality which might be necessary, but the necessity was easily foreseen, and we put ourselves in opposition without taking measures to make it effectual.

I wish I could draw a veil over the management of the war with Spain. How have our great expeditions been conducted? We have trusted to new raised soldiers, a sickly major general, and one who was a brigadier too young to have experience. Pointis took Carthagena with 5,000 in all. We had 8 or 10,000. To the rest of Europe the conduct of Haddock's squadron, if astonishment were left, would be the greatest in the world. With a fleet superior he hath served as an escort to what the enemy had a mind to do. He hath let them embark and go for Italy about the time of the neutrality. Their embarkation was carried on in the open road of Barcelona for two months with only three men of war, and we had no disquiet about this. Last year 2,000 Spaniards embarked, and we sailed from Cadiz to protect Minorca. Why no concern for Minorca now? This only piece of service which we could do the queen of Hungary was not done. Not a lord doubts what my conjecture is before I mention it. This must have been in consequence of discourse with some friend of Spain. They must have been mad to expose 14,000 of their best troops had they not been sure not to be attacked. I apprehend this was in consequence of the neutrality and an equivalent given for it. These are the conjectures of all Britain, of all Europe. On the 2nd of October the French embassador declared in Holland, that a neutrality was concluded on the terms of not assisting the queen of Hungary, and accepting a peace with Spain on the mediation of France. The king's minister there denied it, when it was concluded or concluding. This is the reason why your allies will not confide in you, your right hand hath deceived your left.

The dispositions of the king of Sardinia were plain. He hath denied a passage to the Spanish troops, and hath armed, and we have let them come, and now he must make the best terms he can.

The state of our Domestic Affairs is very obvious. You have in pay more national land forces than at any time of the late war, and 200 ships in commission. The common cause hath not been supported by your army; it hath not acted out of Westminster. You have 70,000 national troops and 12,000 others. Those demanded for the queen of Hungary she never had. Yet they cannot have been concluded by the neutrality, for they are in English pay. But money, which it was said she did not ask for, hath been given her. You have 50,000 men belonging to your ships. Yet you have neither annoyed the enemy nor protected trade: 300 merchant ships have been taken since the war began, and the king of Spain lays an indulto of 15 per cent. upon our ships as he doth on the galleons. I hope Haddock, if he is dead, will not be loaded. Had he not ships enough? Why was he not reinforced by sir J. Norris's squadron? Till it appears that he had orders to act, it must be thought he had orders not to act.

*Cholmondeley.* Not the Speech, much less the motion, hath called for what the noble lord hath said. Never was a speech of more condescension and paternal care. It is below you to build on newspapers and such like authority. We gave assistance to the queen of Hungary, in expectation that other powers would join. We exhorted the Dutch to it without delay. We sent to Dresden and held the same language at the court of Russia. If their affairs would not let them hearken, is that the fault of your ministry? There was 300,000*l.* given the queen of Hungary, and our 12,000 men were joined with the troops of Hanover, and obliged the king of Prussia to form an army of 35,000 men to observe them at a distance from the scene of war. Dates will strengthen facts in favour of the administration both at sea and land. The fleet of France was as much and more to be guarded against than that of Spain; but these are things for a future enquiry.

*Halifax.* An Address cooked up by the minister in answer to himself cannot carry weight and dignity in it. We have no thanks to give, no confidence to repose. I speak the language of a free man. God knows how long we may be able. We might have expected to have been told from the throne whence our misfortunes rose. An Address of condolance would be the proper thing on this occasion: to grieve with the king for, &c. &c. One of our admirals hath been dancing about the sea like the master of a packet boat, and another keeping his station to let loose Spain upon Hungary.

*Raymond.*

*Carteret.* There never was a time since the nation existed that required more care in what we say to the crown. Persons without doors and foreign powers may mistake us and we may delude the crown. A thing is said in the Speech, which I am sure the king believes, and he knows more than any body about him, and



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goodness, in expressing so earnest a desire to receive the advice of his parliament; and to assure his majesty, that this House will not fail to take the important points which he has recommended to us into our most serious consideration; and, in the most dutiful manner, to offer his majesty such advice as shall appear to us to be most conducive to the honour and true interest of his crown and kingdoms.

"To give his majesty the strongest assurances of our inviolable duty, fidelity,

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yet I would not confirm him in it. He says, he hath done all he could for the House of Austria. We shall be able to make him change his opinion. I hope to open the eyes of the world on this occasion. The liberty and repose of Europe is almost lost; after which we shall not keep ours long. But still there are three good symptoms and glimmerings of hope. 1. Several appearances that can be accounted for by nothing but the king of Prussia seeing his own interest. 2. The king of Sardinia seems to judge right, and is armed to the top of his strength. 3. The Dutch are not come into a neutrality, and I do not believe they will. But at the same time the Spaniards are gone unmolested to Italy, who might have been stopt with a word, or Haddock might have been with them in 4 days. He had 16 ships of the line, besides 5 or 6 others. If the 13 French had joined the Spaniards we should probably have beat them both. But we were afraid of meeting them lest we should beat them. It is possible this may have happened by chance, but we shall never convince any body of that. Whenever the House of Austria is destroyed, some other great house will be destroyed. Have we meant to gain the queen of Spain by sacrificing the queen of Hungary? There is never less than 500,000*l.* belonging to English merchants in Leghorn, who will now sell their goods at any price, and give credit to any body. In our circumstances we should say nothing that looks like a compliment. If there is connivance in the war, what are we about? France in that case will let you talk as high as you please. But it is fact we must see. Let us not load the nation for nothing.

We have lost to the Spaniards perhaps 3,000 sailors: they grow weary of their dungeons, and after a time act against us. In the late war a scheme was found for putting an end to captures, by a squadron of ships in the chops of the channel, which is much better than convoys: hath this method been taken? If it hath, no fault is to be found. This method was discontinued in 1706, and then captures returned, till the earl of Berkeley cruised there.

I said concerning that West Indies, that whenever the Spaniards were attacked there in an European manner, they would make no bad resistance. Did the troops that were set ashore at Carthagena do that?

*Harrington.* I was on the spot when the neutrality was treated of and made, and am fully persuaded that no one tittle of it affected the king as king of these nations. And from the beginning to the conclusion of it, I had the king's order to declare this to all his ministers in all the courts of Europe.

*Bathurst.* From the event in the Mediterranean all power of protecting our allies is over. There will be or are 60,000 Spaniards in Italy. It was imagined you had given up Italy for some good peace: but you have not done that. The occasion of making immediate answers to the Speech from the throne was, when all Europe was attending to you. They now expect you should consider first. The words of the Motion are usually enlarged in the Address. The queen of Hungary had not the money till very lately, if she hath it all yet. The king recommends unanimity. Why, the nation is unanimous as to the conduct of the war and the cause of all our evils.

*Newcastle.* The design of the latter part of the motion is to support the glimmerings of hope which a noble lord mentioned, and let foreign powers see our dispositions. Nobody hath a better opinion of Haddock than I, and hope he is still alive. I am for loading nobody living or dead. You will see in time whether there were not the strongest orders that could be given to prevent this embarkation. But there have been three fleets hovering over us this summer, the Brest, Cadiz and Toulon, and unless we had fleets to watch each, accidents may happen. Four ships were sent to Haddock two months ago, five more have been waiting to go three weeks, and there are not seven manned remaining to protect the kingdom. The 12 ships at Brest might have come and anchored in our channel and insulted us. There was an appearance of an embarkation at Barcelona about Christmas last; then orders were sent, and Haddock did go thither. The last took up but a little time, yet I am at a loss how he came not to know of it. The king of Sardinia hath not wanted and doth not want proper encouragement. The value of the prizes we have taken in this war is as great as of the 300 ships, if they have taken so many. We indeed have not an Indalto on the Spanish ships. Enquire into the conduct of the administration about coasters and cruizers. The Emperor lost a great deal for placing the Saxon on the throne of Poland, and now the Saxon troops have taken Prague. He suffered in the Turkish war for Russia, and not a man hath been sent from thence in return. The treaty with Russia is signed and ratified, and on the road: which is a fourth glimmering, and in that treaty great regard hath been shewn to the House of Austria. Every thing hath been done by the king in the case of Prussia that could be. Yet you are not moved to thank him for it. But the

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and affection, to his person and government, and of our zeal for the preservation of the Protestant succession in his royal house; and that we will vigorously and heartily concur in all just and necessary measures, for the defence and support of his majesty, the maintenance of the balance and liberties of Europe, and the assistance of our allies.

"That as duty and affection to his ma-

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safety of Europe depends upon the queen of Hungary retaining her dominions intire: and this it must be difficult to bring him to.

There hath been as great attention to the war in the West Indies as possible. The fleets of France and Spain were sent ingloriously from thence. Our troops behaved well at Carthagena. If there was wrong conduct in any commander, let it be examined into. If the chief commander had not the advantage of experience, this was owing in part to the act of Providence, which took off two officers, one of them very conversant in the affairs of the West Indies.

*Argyle.* A speech of a different nature might have been expected after so many things had happened, and no one in our favour. It should have been less general. It is very long and says nothing. We have made a neutrality in Hanover: we have kept the 12,000 men in that country since the neutrality: we have struck off the assistance of 20,000 Hanoverians. The French had no reason to grant a neutrality, and therefore must have granted it on some terms. But I will believe, on the credit of the noble lord, that there was nothing in it which respected the Mediterranean. We have allowed the Spaniards to go into Italy. And we have indeed given part of the money to the queen of Hungary, but no part of it was given two months ago.

I foretold last winter that they would miscarry in the West Indies. Lord Cathcart had never served but as a major in Flanders and a lieutenant colonel in the Rebellion. And they skipt over 45 general officers to come at him. Spotswood served under my eye, was a captain and under quarter master general. But never commanded more than a platoon. I acquit the administration of mistake and blunder: and take shame to myself for having charged them; all hath been designed, and to raise a power illegal in this country. It is not our business to inquire how, but to charge: let them produce their defence if they can. I am as well informed as the ministry of what passed at Carthagena, and they did not do a single thing right there, yet they continue the very person that hath done wrong: who is indeed otherwise a worthy and generous man. We have 100 ships of the line in commission, which are twice as many as France and Spain together; and of other ships four times as many. But we cannot have a ship sail, but in four or five days it comes back for something or other. None of the seamen say, that Haddock was not strong enough. Indeed four or five ships had been sufficient to destroy the Spaniards at Barcelona. The governor and two lieutenant governors, and many of the chief officers of Port Mahon are in England. And the chief man there now, is one who got a regiment this summer, and was but an ensign in the war. Sir J. Norris was sent out with a fleet able to beat both France and Spain, but all his ships so foul that they could have sailed through him. Nobody thought Haddock would ever have lived so long. Who is there to command his fleet in case of his death? You have but three flag officers: one hath done every thing, the other two nothing; but Vernon hath not made his court by what he has done. Will you, in the circumstances you are in, say any thing to such a Speech but expressions of duty? As to the affairs of the empire, it is impossible to revive them.

*Hardwicke. C.* The lord who spoke first after the motion was made admitted there was no objection against any particular thing in it. The Address is not to the ministry, though it be by the ministers' advice that the king makes his Speech. If you put a negative on the support of the balance of Europe and of your allies, the cause you are engaged in is at an end. I verily believe lights will be given as to the Spanish war, and when things come to be considered, all suspicions will vanish.

*Carteret.* I am willing to support our allies, but do not put that now. There were strong words in the last address about the queen of Hungary, but they did her no good, and she will not mind these now. I am for making an unequal address because it is such, if the king inquires into the reason, he will find it is, that we are not disposed to compliment the administration.

*Argyle.* The king of Prussia will never have any transaction with this administration. He is certainly under engagements with the French and Saxons, and if he is to break them, how can you trust him? Sardinia hath kept himself in a condition to treat where he pleases; but now you have disappointed his expectation about the Spaniards coming into Italy he will have nothing to do with us. The queen of Hungary had drawn her troops out of Italy, thinking herself safe there. If you address in the manner proposed, it will be interpreted a confidence in the administration.

*Abingdon.* The sooner innovations are removed the better: and the other method being the old custom will prevent all supposed inconveniences. Where a question is complicated like this, it ought to be divided. Story of sir Toby Butler. 'Have you taken the oaths?' 'Yes.' 'Have you considered them?' 'No, by my shoul, if I had considered them I should never have taaken them!'

C. 88, of which I was one.
N. C. 43.

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jesty are, in us, fixed and unalterable principles, so we feel the impressions of them, at this time, so strong and lively in our breasts, that we cannot omit to lay hold on this opportunity of approaching his royal presence, to renew the most sincere professions of our constant and inviolable fidelity: and to promise his majesty, that we will, at the hazard of all that is dear to us, exert ourselves for the defence and preservation of his sacred person and government, the maintenance of the Protestant succession in his royal house, on which the continuance of the Protestant religion, and the liberties of Britain, do, under God, depend."

My lords, as this Address will not obstruct any future enquiries, by any approbation of past measures, either positive or implied, I doubt not but your lordships will readily concur in it, and am persuaded, that it will confirm his majesty's regard for our counsels, and confidence in our loyalty.

Lord *Lovel:*

My lords; the dangers which have been justly represented by his majesty, ought to remind us of the importance of unusual circumspection in our conduct, and deter us from any innovations, of which we may not foresee the consequences, at a time when there may be no opportunity of repairing any miscarriage, or correcting any mistake.

There appears, my lords, not to be at this time any particular reason for changing the form of our addresses, no privileges of our House have been invaded, nor any designs formed against the public. His majesty has evidently not deviated from the practice of the wisest and most beloved of our British monarchs; he has, upon this emergence of unexpected difficulties, summoned the parliament to counsel and assist him; and surely it will not be consistent with the wisdom of this House to encrease the present perplexity of our affairs, by new embarrassments, which may be easily imagined likely to arise from an address different from those which custom has established.

The prospect which now lies before us, a prospect which presents us only with dangers, distractions, invasions, and revolutions, ought to engage our attentions, without leaving us at leisure for disputations upon ceremonies or forms. It ought to be the care of every lord in this House, not how to address, but how to advise his majesty; how to assist the counsels of the public, and contribute to such determinations, as may avert the calamities that impend over mankind, and stop the wild excursions of power and ambition.

We ought to reflect, my Lords, that the expectations of all Europe are raised by the meeting of this parliament: and that from our resolutions, whole nations are waiting for their sentence. And how will mankind be disappointed when they shall hear, that instead of declaring war upon usurpers, or imposing peace on the disturbers of mankind, instead of equipping navies to direct the course of commerce, or raising armies to regulate the state of the continent, we met here in a full assembly, and disagreed upon the form of an Address.

Let us therefore, my lords, lay aside, at least for this time, all petty debates and minute enquiries, and engage all in the great attempt of re-establishing quiet in the world, and settling the limits of the kingdoms of Europe.

The Earl of *Chesterfield*:*

My lords; there is I find at least one point upon which it is probable that those will now agree whose sentiments have hitherto been, on almost every occasion, widely different. The danger of our present situation is generally allowed; but the consequences deduced from it are so contrary to each other, as give little hopes of that unanimity which times of danger particularly require.

It is alleged by the noble lord who spoke last, that since we are now involved in difficulties, we ought only to enquire how to extricate ourselves, and therefore ought not to leave ourselves the right of

* In the Collection of Dr. Johnson's Debates, this Speech is erroneously attributed to lord Carteret.

"Lord Chesterfield, who, in his travels through other countries, never lost sight of his own; and, while in pursuit of health and amusement, did not neglect collecting materials, and preparing himself for business; thought it proper to shew, that his complaisance and partiality to the French did not extend to their politics. Recovered to his former state of health, and animated by the strong motives of national interest, and national honor, he thundered out what may be called his first philippic against the ministry. This speech was justly applauded by the speakers on the other side, as well as on his own." Dr. Maty's Life of Lord Chesterfield.

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enquiring how we were entangled in them, lest the perplexity of different considerations should dissipate our attention, and disable us from forming any useful determinations, or exerting any vigorous efforts for our deliverance.

But, in my opinion, my lords, the most probable way of removing difficulties, is to examine how they were produced, and by consequence to whom they are to be imputed; for certainly, my lords, it is not to be hoped that we shall regain what we have lost but by measures different from those which have reduced us to our present state, and by the assistance of other counsellors than those who have sunk us into the contempt, and exposed us to the ravages of every nation throughout the world.

That this enquiry, my lords, may be free and unobstructed, it is necessary to address the throne, after the manner of our ancestors, in general terms, without descending to particular facts, which, as we have not yet examined them, we can neither censure nor approve.

It has been objected by the noble lord, that foreign nations will be disappointed by hearing, that instead of menaces of vengeance, and declarations of unalterable adherence to the liberties of Europe, we have wasted our time at this important juncture in settling the form of an address.

That little time may be wasted on this occasion, I hope your lordships will very speedily agree to an Address suitable to the dignity of those who make it, and to the occasion upon which it was made; for I cannot but allow, that the present state of affairs calls upon us for dispatch: but though business ought at this time undoubtedly to be expedited, I hope it will not be precipitated; and if it be demanded that the most important questions be first determined, I know not any thing of greater moment than that before us.

How we shall gratify the expectations of foreign powers, ought not, my lords, to be our first or chief consideration; we ought certainly first to enquire how the people may be set free from those suspicions, which a long train of measures evidently tending to impair their privileges, has raised; and how they may be confirmed in their fidelity to the government, of which they have for many years found no other effects than taxes and exactions, for which they have received neither protection abroad, nor encouragement at home.

But, my lords, if it be necessary to consult the inclinations, and cultivate the esteem of foreign powers, I believe nothing will raise more confidence in our allies, if there be any who are not now ashamed of that name, or more intimidate those whose designs it is our interest to defeat, than an open testimony of our resolution no longer to approve that conduct by which the liberty of half Europe has been endangered; and not to lavish praises on those men who have in twenty years never transacted any thing to the real benefit of their country, and of whom it is highly probable that they have in the present war stipulated for the defeat of all our attempts, and agreed by some execrable compact to facilitate the exaltation of the house of Bourbon.

Upon what facts I ground accusations so atrocious may justly be enquired by your lordships; nor shall I find any difficulty in answering your demand. For, if we extend our view over the whole world, and enquire into the state of all our affairs, we shall find nothing but defeats, miscarriages, and impotence, with their usual consequences, contempt and distrust. We shall discover neither any tokens of that fear among our enemies, which the power of the nation, and the reputation of our former victories might naturally produce, nor any proofs of that confidence among those whom we still continue to term our allies, which the vigour with which we have formerly supported our confederacies, give us a right to expect. Those whom we once trampled insult us, and those whom we once protected, give us no credit.

How reasonably, my lords, all nations have withdrawn from us their reverence and esteem, will appear by a transient examination of our late conduct, whether it regarded Europe in general, or influenced only the particular affairs of the British nation; for it will appear beyond possibility of doubt, that whoever has trusted the administration, whether their own country, or any foreign powers, has trusted only to be betrayed.

There is among our allies none whom we are more obliged to support than the queen of Hungary, whose rights we are engaged by all the solemnities of treaties to defend, and in whose cause every motive operates that can warm the bosom of a man of virtue. Justice and compassion plead equally on her side, and we are called upon to assist her by our own interest, as well as the general duty of society, by which every man is required to prevent oppression.

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What has been the effect of all these considerations may easily be discovered from the present state of the continent, which is ravaged without mercy by the armies of Spain and France. Why all succours have been denied the queen of Hungary, and why the inveterate and hereditary enemies of our nation are suffered to enlarge their dominions without resistance; why the rivals of our trade are left at full liberty to equip their squadrons, and the persecutors of our religion suffered to over-run those countries from whence only we can hope for assistance, when the hatred which the difference of opinions produces, shall threaten us with invasions and slavery, the whole world has long asked to no purpose, and therefore it is without prospect of receiving satisfaction that I engage in the same enquiry.

Yet since it is our duty to judge of the state of the public, and a true judgment can be the result only of accurate examination, I shall proceed, without being discouraged by the ill success of former attempts, to discover the motives of our late measures, and the ends intended to be produced by them.

Why the queen of Hungary was not assisted with land forces, I shall at present forbear to ask; that she expected them is indeed evident from her solicitations; and, I suppose, it is no less apparent from treaties that she had a right to expect them; nor am I able to conceive why subsidies have been paid for troops which are never to be employed, or why foreign princes should be enriched with the plunder of a nation which they cannot injure, and do not defend.

But I know, my lords, how easily it may be replied, that the expences of a land war are certain, and the event hazardous, and that it is always prudent to act with evident advantage on our side, and that the superiority of Britain consists wholly in naval armaments.

That the fleets of Great Britain are equal in force and number of ships to the united navies of the greatest part of the world; that our admirals are men of known bravery, and long experience, and therefore formidable not only for their real abilities and natural courage, but for the confidence their presence necessarily excites in their followers, and the terror which must always accompany success, and enervate those who are accustomed to defeats; that our sailors are a race of men distinguished by their ardour for war, their intrepidity in danger, from the rest of the human species; that they seem beings superior to fear, and delighted with those objects which cannot be named without filling every other breast with horror; that they are capable of rushing upon apparent destruction without reluctance, and of standing without concern amidst the complicated terrors of a naval war, is universally known, and confessed, my lords, even by those whose interest it is to doubt or deny it.

Upon the ocean, therefore, we are allowed to be irresistible, to be able to shut up the ports of the continent, imprison the nations of Europe within the limits of their own territories, deprive them of all foreign assistance, and put a stop to the commerce of the world. It is allowed that we are placed the centinels at the barriers of nature, and the arbiters of the intercourse of mankind.

These are appellations, my lords, which however splendid and ostentatious, our ancestors obtained and preserved with less advantages than we possess, by whom I am afraid they are about to be forfeited. The dominion of the sea was asserted in former times in opposition to powers far more able to contest it, than those which we have so long submissively courted, and of which we are now evidently afraid.

For that we fear them, my lords, they are sufficiently convinced; and it must be confessed, with whatsoever shame, that their opinion is well founded; for to what motive but fear can it be imputed, that we have so long supported their insolence without resentment, and their ravages without reprizals; that we have fitted out fleets without any design of dismissing them from our harbours, or sent them to the sea only to be gazed at from the shores, by those whose menaces or artifice had given occasion to their equipment, and in whom they raised no other emotions than contempt of our cowardice, or pity of our folly?

To what, my lords, can it be attributed, that the queen of Hungary has yet received no assistance from allies thus powerful; from allies whose fleets cover the sea, whose commerce extends to the remotest part of the world, and whose wealth may be justly expected to be proportionate to their commerce. To what can we ascribe the confidence with which the house of Bourbon threatens the ruin of a princess, who numbers among her allies the king of Great Britain?

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Nothing is more evident, my lords, than that the queen of Hungary has been disappointed of the advantages which she expected from her friendship with this nation, only by a degree of cowardice too despicable to be mentioned without such terms, as the importance of this debate, and the dignity of this assembly, do not admit; nor is it less certain from the conduct of her enemies, that they knew what would be our measures, and confided for security in that cowardice which has never yet deceived them.

It cannot, my lords, be asserted, that our ally, however distressed, has yet received the least assistance from our arms; neither the justice of our cause has yet been able to awaken our virtue, nor the inseparable union of her interest with our own, to excite our vigilance.

But perhaps, my lords, we have had no opportunity of exerting our force; perhaps the situation both of our enemies and ally was such, that neither the one could be protected, nor the other opposed, by a naval power; and therefore our inactivity was the effect not of want of courage, but want of opportunity.

Though our ministers, my lords, have hitherto given no eminent proofs of geographical knowledge, or of very accurate acquaintance with the state of foreign countries, yet there is reason to believe that they must at some time have heard or read, that the house of Austria had territories in Italy; they must have been informed, unless their disbursements for secret service are bestowed with very little judgment, that against these dominions an army has been raised by the Spaniards; and they must have discovered, partly by the information of their correspondents, partly by the inspection of a map, and partly by the sagacity which distinguishes them from all past and present ministers, that this army was to be transported by sea from the coast of Spain to that of Italy.

This knowledge, my lords, however attained, might have furnished minds, which have always been found so fruitful of expedients, with a method of hindering the descent of the Spanish troops, for which nothing more was necessary than that they should have ordered admiral Haddock, instead of retiring before the Spanish fleet of war, and watching them only that they might escape, to lie still before Barcelona, where the transports were stationed, with a convoy of only three men of war, and hinder their departure.

I hope it will be observed by your lordships, that though the road of Barcelona is open and indefensible, though the fleet was unprotected by ships of force, and though they lay, as I am informed, beyond the reach of the guns on the fortifications upon the shore, I do not require that Haddock should have destroyed the army and the ships.

I am too well acquainted, my lords, with the lenity of our ministers to the enemies of their country, and am too well convinced of the prudence and tenderness of the restrictions by which the power of our admirals is limited, to expect that our guns should be ever used but in salutations of respect, or exultations on the conclusion of a peace. I am convinced that our ministers would shudder at the name of bloodshed and destruction, and that they had rather hear that a thousand merchants were made bankrupts by privateers, or all our allies deprived of their dominions, than that one Spanish ship was sunk or burnt by the navies of Britain.

But, my lords, though they are willing to spare the blood of their enemies, yet surely they might have obstructed their enterprises; they might have withheld those whom they were unwilling to strike, and have endeavoured to fright those whom they determined never to hurt.

To speak in terms more adapted to the subject before us: that the fleet of Spain, a fleet of transports with such a convoy, should lie three weeks in an open road, professedly fitted out against an ally united to us by every tie of nature and of policy, by the solemnity of treaties, and conformity of interest; that it should lie undisturbed almost within sight of a British navy; that it should lie there not only without danger, but without apprehension of danger, has raised the astonishment of every nation in Europe, has blasted the reputation of our arms, impaired the influence of our counsels, and weakened the credit of our public faith.

There may be some, my lords, that will impute this absurdity of our conduct, this disregard of our interest, this desertion of our alliances, and this neglect of the most apparent opportunities of success, not to cowardice but treachery, a cause more detestable as more atrociously criminal.

This opinion, my lords, I think it not necessary to oppose, both because it cannot be charged with improbability, and because I think it may be easily reconciled with my own assertions, for cowardice

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abroad produces treachery at home; and they become traitors to their country who are hindered by cowardice from the prosecution of her interest, and the opposition of her enemies.

It may however be proper to declare, my lords, that I do not impute this fatal cowardice to those who are entrusted with the command of our navies, but to those from whom they are obliged to receive their instructions, and upon whom they unhappily depend for the advancement of their fortunes.

It is at least reasonable to impute miscarriages rather to those, who are known to have given formerly such orders as a brave admiral (Hosier) perished under the ignominious necessity of observing, than to those of whom it cannot be said that any former part of their lives has been stained with the reproach of cowardice; at least it is necessary to suspend our judgment, till the truth shall be made apparent by a rigid enquiry; and it is therefore proper to offer an address in general terms, by which neither the actions or counsels of any man shall be condemned nor approved.

It would be more unreasonable to charge our soldiers or our sailors with cowardice, because they have shown even in those actions which have failed of success, that they miscarried rather through temerity than fear; and that whenever they are suffered to attack their enemies, they are ready to march forward even where there is no possibility of returning, and that they are only to be withheld from conquest by obstacles which human prowess cannot surmount.

Such, my lords, was the state of those heroes who died under the walls of Carthagena; that died in an enterprise so ill concerted, that I ventured, with no great skill in war, and without the least pretence to prescience, to foretel in this House that it would miscarry.

That it would, that it must miscarry; that it was even intended only to amuse the nation with the appearance of an expedition, without any design of weakening our enemies, was easily discovered; for why else, my lords, was the army composed of men newly drawn from the shop and from the plough, unacquainted with the use of arms, and ignorant of the very terms of military discipline, when we had among us large bodies of troops long kept under the appearance of a regular establishment, troops of whom we have long felt the expence, but of which the time is not, it seems, yet come, that we are to know the use.

These men, my lords, who have so long practised the motions of battle, and who have given in the Park so many proofs of their dexterity and activity, who have at least learned to distinguish the different sounds of the drum, and know the faces and voices of the subaltern officers at least, might have been imagined better qualified for an attempt upon a foreign kingdom, than those who were necessarily strangers to every part of the military operations, and might have been sent upon our first declaration of war, while the new raised forces acquired at home the same arts under the same inspection.

But, my lords, whether it was imagined that new forces would be long before they learned the implicit obedience necessary to a soldier; whether it was imagined that it would not be easy on a sudden to collect troops of men so tall and well-proportioned, or so well skilled in the martial arts of curling and powdering their hair; or whether it would have been dangerous to have deprived the other House of the counsels and votes of many worthy members, who had at the same time a seat in the parliament and a commission in the army, it was thought necessary to send out raw forces to attack our enemies, and to keep our disciplined troops at home to awe the nation.

Nor did the minister, my lords, think it sufficient to obstruct the expedition to America by employing new raised troops, unless they were likewise placed under the command of a man, who, though of undoubted courage, was, with respect to the conduct of an army, as ignorant as themselves. It was therefore determined, my lords, that all those officers who had gained experience in former wars, and purchased military knowledge by personal danger, should be disappointed and rejected for the sake of advancing a man, who, as he had less skill, was less likely to be successful, and was therefore more proper to direct an expedition proposed only to intimidate the British nation.

That the event was such as might be expected from the means, your lordships need not to be informed, nor can it be questioned with what intentions these means were contrived.

I am very far, my lords, from charging our ministers with ignorance, or upbraiding them with mistakes on this occasion,

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for their whole conduct has been uniform, and all their schemes consistent with each other: nor do I doubt their knowledge of the consequence of their measures, so far as it was to be foreseen by human prudence.

Whether they have carried on negociations, or made war; whether they have conducted our own affairs, or those of our ally the queen of Hungary, they have still discovered the same intention, and promoted it by the same means. They have suffered the Spanish fleets to sail first for supplies from one port to another, and then from the coasts of Spain to those of America. They have permitted the Spaniards, without opposition, to land in Italy, when it was not necessary even to withhold them from it by any actual violence; for had the fleet, my lords, been under my command, I would have only sent the Spanish admiral a prohibition to sail, and am sure it would have been observed.

They have neglected to purchase the friendship of the king of Prussia, which might perhaps have been obtained upon easy terms, but which they ought to have gained at whatever rate; and to conclude, we have been lately informed that the neutrality is signed.

Such, my lords, is the conduct of the ministry, by which it cannot be denied that we are involved in many difficulties, and exposed to great contempt; but from this contempt we may recover, and disentangle ourselves from these difficulties by a vigorous prosecution of measures opposite to those by which we have been reduced to our present state.

If we consider without that confusion which fear naturally produces, the circumstances of our affairs, it will appear that we have opportunities in our hands of recovering our losses, and re-establishing our reputation; those losses which have been suffered while we had two hundred ships of war at sea, which have permitted three hundred merchant ships to be taken; and that reputation which has been destroyed when there was no temptation either to a compliance with our enemies, or to a desertion of our friends.

It is well known, my lords, that we make war at present rather with the queen than the people of Spain; and it is reasonable to conclude, that a war carried on contrary to the general good, and against the general opinion, cannot be lasting.

It is certain that the Spaniards, whenever they have been attacked by men acquainted with the science of war, and furnished with necessary stores for hostile attempts, have discovered either ignorance or cowardice, and have either fled meanly or resisted unskilfully.

It is therefore probable, my lords, that either our enemies will desist from the prosecution of a war which few of them approve; or that we shall by vigorous descents upon their coasts and their colonies, the interruption of their trade, and the diminution of their forces, soon compel them to receive peace upon our own terms.

But these advantages, my lords, are only to be expected from a change of conduct, which change can never be produced by a seeming approbation of the past measures. I am therefore of opinion, that we ought to address the throne in general terms, according to the ancient practice of this House.

In considering the Address proposed, I cannot but conclude that it is too much diffused, and that it would be more forcible if it was more concise: to shorten it will be no difficult task, by the omission of all the clauses that correspond with particular parts of his majesty's speech, which I cannot discover the necessity of repeating.

In the congratulation to his majesty upon his return to his once glorious dominions, no lord shall concur more readily or more zealously than myself; nor shall I even deny to extend my compliments to the ministry, when it shall appear that they deserve them; but I am never willing to be lavish of praise, because it becomes less valuable by being prodigally bestowed; and on occasions so important as this, I can never consent to praise before I have examined, because enquiry comes too late after approbation.

The Earl of *Cholmondeley:*

My lords; if the dangers that threaten our happiness and our safety be such as they have been represented; if ambition has extended her power almost beyond a possibility of resistance, and oppression, elated with success, begins to design no less than the universal slavery of mankind; if the powers of Europe stand aghast at the calamities which hang over them, and listen with helpless confusion to that storm which they can neither avoid nor resist, how ought our conduct to be influenced by this uncommon state of affairs? Ought we not to catch the alarm while it is possible to make preparation against the



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danger? Ought we not to improve, with the utmost diligence, the important interval? to unite our counsels for the protection of liberty, and exert all our influence against the common enemies of society, the unwearied disturbers of the tranquillity of mankind?

To what purpose, my lords, are the miseries that the present distractions of Europe may bring upon us, so pathetically described, and so accurately enumerated, if they are to produce no effect upon our counsels? And what effect can be wished from them, but unanimity, with that vigour and dispatch which are its natural consequences, and that success with which steadiness and expedition are generally rewarded?

It might be hoped, my lords, that those who have so clear a view of our present embarrassments, and whose sagacity and acuteness expose them to a sensibility of future miseries, perhaps more painful than would be excited by any present and real calamities, should not be thus tortured to no purpose. Every passion, my lords, has its proper object by which it may be laudably gratified, and every disposition of mind may be directed to useful ends. The true use of that foresight of future events, with which some great capacities are so eminently endowed, is that of producing caution and suggesting expedients. What advantage, my lords, would it be to navigators, that their pilot could by any preternatural power discover sands or rocks, if he was too negligent or too stubborn to turn the vessel out of the danger?

Or how, my lords, to pursue the comparison, would that pilot be treated by the crew, who, after having informed them of their approach to a shoal or whirlpool, and set before them, with all his rhetoric, the horrors of a shipwreck, should, instead of directing them to avoid destruction, and assisting their endeavours for their common safety, amuse them with the miscarriages of past voyages, and the blunders and stupidity of their former pilot?

Whether any parallel can be formed betweeen such ill-timed satire, and wild misconduct, and the manner in which your lordships have been treated on this occasion, it is not my province to determine. Nor have I any other design than to show that the only proper conduct in time of real danger is preparation against it, and that wit and eloquence themselves, if employed to any other purpose, lose their excellence, because they lose their propriety.

It does not appear, my lords, that the Address now proposed, includes any approbation of past measures, and therefore it is needless to enquire on this occasion whether the conduct of our ministers or admirals deserves praise or censure.

It does not appear, my lords, that by censuring any part of our late conduct, however detrimental to the public it may at present be imagined, any of our losses will be repaired, or any part of our reputation retrieved; and therefore, such proceedings would only retard our counsels, and divert our thoughts from more important considerations; considerations which his majesty has recommended to us, and which cannot be more strongly pressed upon us than by the noble lord who opposed the motion; for he most powerfully incites to unanimity and attention, who most strongly represents the danger of our situation.

Of the good effects of public consultations, I need not observe, my lords, that they arise from the joint endeavour of many understandings co-operating to the same end; from the reasonings and observations of many individuals of different studies, inclinations, and experience, all directed to the illustration of the same question, which is therefore so accurately discussed, so variously illustrated, and so amply displayed, that a more comprehensive view is obtained of its relations and consequences, than can be hoped from the wisdom or knowledge of any single man.

But this advantage, my lords, can only be expected from union and concurrence; for when the different members of a national council enter with different designs, and exert their abilities not so much to promote any general purposes, as to obviate the measures, and confute the arguments of each other, the public is deprived of all the benefit that might be expected from the collective wisdom of assemblies, whatever may be the capacity of those who compose them. The parliament, thus divided and disturbed, will perhaps conclude with less prudence than any single member, as any man may more easily discover truth without assistance, than when others of equal abilities are employed in perplexing his enquiries, and interrupting the operations of his mind.

Thus, my lords, it might be safer for a nation, even in time of terror and disorder, to be deprived of the counsels of this House, than to confide in the determinations of a parliament not uniform in its

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views, nor connected in its interests; a parliament from which little can be hoped by those who observe that it cannot, without a tedious debate, prolonged with all the heat of opposition, dispatch the first and most cursory part of public business,—an address to his majesty.

It has been for a long time a practice too frequent, to confound past with present questions, to perplex every debate by an endless multiplication of objects, and to obstruct our determinations by substituting one enquiry in the place of another.

The only question, my lords, now before us is, whether the Address which the noble lord proposed, implies any commendation of past measures, not whether those measures deserve to be commended; which is an enquiry not at present to be pursued, because we have not now before us the means of attaining satisfaction in it, and which ought therefore to be delayed till it shall be your lordships' pleasure to appoint a day for examining the state of the nation, and to demand those letters, instructions, and memorials, which are necessary to an accurate and parliamentary disquisition.

In the mean time, since it is at least as expedient for me to vindicate, as for others to accuse those of whose conduct neither they nor I have yet any regular cognisance, and I may justly expect from the candour of your lordships, that you will be no less willing to hear an apologist than a censurer, I will venture to suspend the true question a few moments, to justify that conduct which has been so wantonly and so contemptuously derided.

That the preservation of the House of Austria, my lords, ought to engage the closest attention of the British nation, is freely confessed. It is evident that by no other means our commerce, our liberty, or our religion, can be secured, or the House of Bourbon restrained from overwhelming the universe. It is allowed that the queen of Hungary has a claim to our assistance by other ties than those of interest; that it was promised upon the faith of treaties, and it is demanded by the loudest calls of honour, justice, and compassion. And did it not appear too juvenile and romantic, I might add, that her personal excellencies are such as might call armies to her assistance from the remotest corners of the earth; that her constancy in the assertion of her rights might animate every generous mind with equal firmness; and her intrepidity in the midst of danger and distress, when every day brings accounts of new encroachments, and every new encroachment discourages those from whom she may claim assistance from declaring in her favour, might inspire with ardour for her preservation all those in whom virtue can excite reverence, or whom calamities unjustly inflicted can touch with indignation.

Nor am I afraid to affirm, my lords, that the condition of this illustrious princess raised all these emotions in the court of Britain, and that the vigour of our proceedings will appear proportioned to our ardour for her success. No sooner was the true state of affairs incontestably known, than 12,000 auxiliary troops were hired, and commanded to march to her assistance; but her affairs making it more eligible for her to employ her own subjects in her defence, and the want of money being the only obstacle that hindered her from raising armies proportioned to those of her enemies, she required, that instead of troops a supply of money might be sent her, with which his majesty willingly complied.

The British ministers in the mean time endeavoured, by the strongest arguments and most importunate solicitations, to animate her allies to equal vigour, or to procure her assistance from other powers whose interest was more remotely affected by her distress; if the effects of their endeavours are not yet manifest, it cannot be imputed to the want either of sincerity or diligence; and if any other powers should be persuaded to arm in the common cause, it ought to be ascribed to the influence of the British counsels.

In the prosecution of the war with Spain, it does not appear, my lords, that any measures have been neglected, which prudence, or bravery, or experience could be expected to dictate. If we have suffered greater losses than we expected, if our enemies have been sometimes favoured by the winds, or sometimes have been so happy as to conceal their designs, and elude the diligence of our commanders, who is to be censured? or what is to be concluded, but that which never was denied, that the chance of war is uncertain, that men are inclined to make fallacious calculations of the probabilities of future events, and that our enemies may sometimes be as artful, as diligent, and as sagacious, as ourselves?

It was the general opinion of the British

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people, my lords, if the general opinion may be collected from the clamours and expectations which every man has had opportunities of observing, that in declaring war upon Spain, we only engaged to chastise the insolence of a nation of helpless savages, who might indeed rob and murder a defenceless trader, but who could only hold up their hands and cry out for mercy, or skulk in secret creeks and unfrequented coasts, when ships of war should be fitted out against them. They imagined that the fortifications of the Spanish citadels would be abandoned at the first sound of cannon, and that their armies would turn their backs at the sight of the standard of Britain.

It was not remembered, my lords, that the greatest part of our trade was carried on in sight of the Spanish coasts, and that our merchants must be consequently exposed to incessant molestation from light vessels, which our ships of war could not pursue over rocks and shallows. It was not sufficiently considered, that a trading nation must always make war with a nation that has fewer merchants, under the disadvantage of being more exposed to the rapacity of private adventurers. How much we had to fear on this account was shown us by the late war with France, in which the privateers of a few petty ports injured the commerce of this nation more than their mighty navies and celebrated admirals.

My lords, it would very little become this august assembly, this assembly so renowned for wisdom and for justice, to confound want of prudence with want of success, since on many occasions the wisest measures may be defeated by accidents which could not be foreseen; since they may sometimes be discovered by deserters, or spies, and sometimes eluded by an enemy equally skilful with ourselves in the science of war.

That any of these apologies are necessary to the administration, I am far from intending to insinuate, for I know not that we have failed of success in any of our designs, except the attack of Carthagena, of which the miscarriage cannot at least be imputed to the ministry; nor is it evident that any other causes of it are to be assigned than the difficulty of the enterprise: and when, my lords, did any nation make war, without experiencing some disappointments?

These considerations, my lords, I have thought myself obliged, by my regard to truth and justice, to lay before you, to dissipate those suspicions and that anxiety which might have arisen from a different representation of our late measures; for I cannot but once more observe, that a vindication of the conduct of the ministry is by no means a necessary preparative to the address proposed.

The address which was so modestly offered to your lordships, cannot be said to contain any more than a general answer to his majesty's speech, and such declarations of our duty and affection, as are always due to our sovereign, and always expected by him on such occasions.

If our allies have been neglected or betrayed, my lords, we shall be still at liberty to discover and to punish negligence so detrimental, and treachery so reproachful, to the British nation. If in the war against Spain we have failed of success, we shall still reserve in our own hands the right of enquiring whether we were unsuccessful by the superiority of our enemies, or by our own fault; whether our commanders wanted orders, or neglected to obey them; for what clause can be produced in the address by which any of these enquiries can be supposed to be predetermined?

Let us therefore remember, my lords, the danger of our present state, and the necessity of steadiness, vigour, and wisdom, for our own preservation and that of Europe; let us consider that public wisdom is the result of united counsels, and steadiness and vigour, of united influence; let us remember that our example may be of equal use with our assistance, and that both the allies and the subjects of Great Britain will be conjoined by our union, and distracted by our divisions; and let us therefore endeavour to promote the general interest of the world, by an unanimous address to his majesty in the terms proposed by the noble lord.

Lord *Talbot*:

My lords; after the display of the present state of Europe, and the account of the measures of the British ministers, which the noble lord who spoke against the motion has laid before you, there is little necessity for another attempt to convince you that our liberty and the liberty of Europe are in danger, or of disturbing your reflections by another enumeration of follies and misfortunes.

To mention the folly of our measures is superfluous likewise for another reason.

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They who do not already acknowledge it may be justly suspected of suppressing their conviction; for how can it be possible, that they who cannot produce a single instance of wisdom or fortitude, who cannot point out one enterprise wisely concerted and successfully executed, can yet sincerely declare, that nothing has been omitted which our interest required?

The measures, my lords, which are now pursued, are the same which for twenty years have kept the whole nation in continual disturbance, and have raised the indignation of every man, whose private interest was not promoted by them. These measures cannot be said to be rashly censured, or condemned before they are seen in their full extent, or expanded into all their consequences; for they have been prosecuted, my lords, with all the confidence of authority, and all the perseverance of obstinacy, without any other opposition than fruitless clamours, or petitions unregarded. And what consequences have they produced? What but poverty and distractions at home, and the contempt and insults of foreign powers? What but the necessity of retrieving by war the losses sustained by timorous and dilatory negociations; and the miscarriages of a war, in which only folly and cowardice have involved us?

Nothing, my lords, is more astonishing, than that it should be asserted in this House that we have no ill success to complain of. Might we not hope for success, if we have calculated the events of war, and made a suitable preparation? And how is this to be done, but by comparing our forces with that of our enemy, who must undoubtedly be more or less formidable according to the proportion which his treasures and his troops bear to our own?

Upon the assurance of the certainty of this practice, upon the evidence, my lords, of arithmetical demonstration, we were inclined to believe, that the power of Great Britain was not to be resisted by Spain, and therefore demanded that our merchants should be no longer plundered, insulted, imprisoned, and tortured, by so despicable an enemy.

That we did not foresee all the consequences of this demand, we are now ready to confess; we did not conjecture that new troops would be raised for the invasion of the Spanish dominions, only that we might be reduced to the level with our enemies. We did not imagine that the superiority of our naval force would produce no other consequence than an inequality of expence, and that the royal navies of Britain would be equipped only for show, only to harass the sailors with the hateful molestation of an impress, and to weaken the crews of our mercantile vessels, that they might be more easily taken by the privateers of Spain.

We did not expect, my lords, that our navies would sail out under the command of admirals renowned for bravery, knowledge, and vigilance, and float upon the ocean without design, or enter ports and leave them, equally inoffensive as a packet-boat, or petty trader.

But not to speak any longer, my lords, in terms so little suited to the importance of the question which I am endeavouring to clear, or to the enormity of the conduct which I attempt to expose; the success of war is only to be estimated by the advantages which are gained, in proportion to the loss which is suffered; of which loss the expences occasioned by the war are always the chief part, and of which it is therefore usual, at the conclusion of a peace, for the conquered power to promise the payment.

Let us examine, my lords, in consequence of this position, the success of our present war against Spain; let us consider what each nation has suffered, and it will easily appear how justly we boast of our wisdom and vigour.

It is not on this occasion necessary to form minute calculations, or to compute the expence of every company of soldiers and squadron of ships; it is only necessary to assert, what will I hope not be very readily denied, even by those whom daily practice of absurd apologies has rendered impregnable by the force of truth, that such expences as have neither contributed to our own defence, nor to the disadvantage of the Spaniards, have been thrown away.

If this be granted, my lords, it will appear, that no nation ever beheld its treasures so profusely squandered, ever paid taxes so willingly, and so patiently saw them perverted; for it cannot, my lords, be proved, that any part of our preparations has produced a proportionate effect; but it may be readily shown how many fleets have been equipped only that the merchants might want sailors, and that the public stores might be consumed.

As to our ill success in America, which has been imputed only to the chance of

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war, it will be reasonable, my lords, to ascribe to other causes so much of it as might have been prevented by a more speedy reinforcement of Vernon, or may be supposed to have arisen from the inexperience of our troops, and the escape of the Spaniards from Ferrol.

If our fleets had been sent more early into that part of the world, the Spaniards would have had no time to strengthen their garrisons; had our troops been acquainted with discipline, the attack would have been made with greater judgment; and had not the Spaniards escaped from Ferrol, we should have had no enemy in America to encounter. Had all our ministers and all our admirals done their duty, it is evident that not only Carthagena had been taken, but that half the dominions of Spain might now have owned the sovereignty of the crown of Great Britain.

This, my lords, may be observed of the only enterprise, which it is reasonable to believe was in reality intended against the Spaniards, if even of this our ministers had not before contrived the defeat. But of all the rest of our armaments it does not appear that any effect has been felt but by ourselves, it cannot be discovered that they even raised any alarms or anxiety either in our enemies or their allies, by whom perhaps it was known that they were only designed as punishments for the merchants of Britain.

That our merchants have already been severely chastised for their insolence in complaining of their losses, and their temerity in raising in the nation a regard for its commerce, its honour, and its rights, is evident from a dreadful list of three hundred ships taken by the Spaniards, some of which were abandoned by their convoys, and others seized within sight of the coasts of Britain.

It may be urged, my lords, that the Spaniards have likewise lost a great number of vessels; but what else could they expect when they engaged in a war against the greatest naval power of the universe? And it is to be remembered, that the Spaniards have this consolation in their misfortunes, that of their ships none have been deserted by their convoys, or wilfully exposed to capture by being robbed of their crews, to supply ships of war with idle hands.

The Spaniards will likewise consider, that they have not harassed their subjects for the protection of their trade; that they have not fitted out fleets only to amuse the populace. They comfort themselves with the hope, that the Britons will soon be reduced to a state of weakness below themselves, and wait patiently for the time in which the masters of the sea shall receive from them the regulation of their commerce, and the limits of their navigation.

Nor can it be doubted, my lords, but that by adhering to these measures, our ministers will in a short time gratify their hopes; for whatsoever be the difference between the power of two contending nations, if the richer spends its treasures without effect, and exposes its troops to unhealthy climates and impracticable expeditions, while the weaker is parsimonious and prudent, they must soon be brought to an equality; and by continuing the same conduct, the weaker power must at length prevail.

That this has been hitherto the state of the war between Britain and Spain, it is not necessary to prove to your lordships; it is apparent, that the expences of the Spaniards have been far less than those of Britain; and therefore if we should suppose the actual losses of war equal, we are only wearing out our force in useless efforts, and our enemies grow every day comparatively stronger.

But, my lords, let us not flatter ourselves that our actual losses have been equal; let us, before we determine this question, accurately compare the number and the value of our ships and cargoes with those of the Spaniards, and see on which side the loss will fall.

And let us not forget, what in all the calculations which I have yet seen on either part has been totally overlooked, the number of men killed, or captives in the British and Spanish dominions. Men, my lords, are at once strength and riches; and therefore it is to be considered, that the most irreparable loss which any nation can sustain is the diminution of its people. Money may be repaid, and commerce may be recovered, even liberty may be regained, but the loss of people can never be retrieved. Even the twentieth generation may have reason to exclaim, How much more numerous and more powerful would this nation have been, had our ancestors not been betrayed in the expedition to Carthagena!

What loss, my lords, have the Spaniards sustained which can be put in balance with that of our army in America,

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an army given up to the vultures of an unhealthy climate, and of which those who perished by the sword, were in reality rescued from more lingering torments?

What equivalent can be mentioned for the liberty of multitudes of Britons, now languishing in the prisons of Spain, or obliged by hardships and desperation to assist the enemies of their country? What have the Spaniards suffered that can be opposed to the detriment which the commerce of this nation feels from the detention of our sailors?

These, my lords, are losses not to be paralleled by the destruction of Porto Bello, even though that expedition should be ascribed to the ministry. These are losses which may extend their consequences to many ages, which may long impede our commerce, and diminish our shipping.

It is not to be imagined, my lords, that in this time of peculiar danger, parents will destine their children to maritime employments, or that any man will engage in naval business who can exercise any other profession; and therefore the death or captivity of a sailor leaves a vacuity in our commerce, since no other will be ready to supply his place. Thus by degrees the continuance of the war will contract our trade, and those parts of it which we cannot occupy, will be snatched by the French or Dutch, from whom it is not probable that they will ever be recovered.

This, my lords, is another circumstance of disadvantage to which the Spaniards are not exposed; for their traffic being only from one part of their dominions to another, cannot be destroyed, but will, after the short interruption of a war, be again equally certain and equally profitable.

It appears, therefore, my lords, that we have hitherto suffered more than the Spaniards, more than the nation which we have so much reason to despise; it appears that our fleets have been useless, and that our troops have been only sent out to be destroyed; and it will therefore surely be allowed me to assert, that the war has not been hitherto successful.

I am therefore of opinion, my lords, that as the Address now proposed cannot but be understood both by his majesty and the nation, to imply in some degree a commendation of that conduct which cannot be commended, which ought never to be mentioned but with detestation and contempt, it will be unworthy of this House, offensive to the whole nation, and unjust to his majesty.

His majesty, my lords, has summoned us to advise him in this important juncture, and the nation expects from our determinations its relief or its destruction; nor will either have much to hope from our counsels, if in our first public act we endeavour to deceive them.

It seems therefore proper to change the common form of our addresses to the throne, to do once at least what his majesty demands and the people expect, and to remember that no characters are more inconsistent, than those of a counsellor of the king and a flatterer of the ministry.

The Earl of *Abingdon*:

My lords; I have always observed that debates are prolonged, and enquiries perplexed, by the neglect of method; and therefore think it necessary to move, That the question may be read; that the noble lords who shall be inclined to explain their sentiments upon it, may have always the chief point in view, and not deviate into foreign considerations. [It was read accordingly.]

Lord *Carteret*:

My lords; I am convinced of the propriety of the last motion by the advantage which it has afforded me of viewing more deliberately and distinctly the question before us; the consideration of which has confirmed me in my opinion, that the Address now proposed is only a flattering repetition of the Speech, and that the Speech was drawn up only to betray us into an encomium on the ministry; who, as they certainly have not deserved any commendations, will, I hope, not receive them from your lordships. For what has been the result of all their measures, but a general confusion, the depression of our own nation and our allies, and the exaltation of the House of Bourbon?

It is universally allowed, my lords, and therefore it would be superfluous to prove, that the liberties of Europe are now in the utmost danger; that the House of Bourbon has arrived almost at that exalted pinnacle of authority, from whence it will look down with contempt upon all other powers, to which it will henceforward prescribe laws at pleasure, whose dominions will be limited by its direction, and whose armies will march at its command.

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That Great Britain will be long exempted from the general servitude, that we shall be able to stand alone against the whole power of Europe, which the French may then bring down upon us, and preserve ourselves independent, while every other nation acknowledges the authority of an arbitrary conqueror, is by no means likely, and might be perhaps demonstrated to be not possible.

How long we might be able to retain our liberty, it is beyond the reach of policy to determine; but as it is evident, that when the empire is subdued, the Dutch will quickly fall under the same dominion, and that all their ports and all their commerce will then be in the hands of the French, it cannot be denied that our commerce will quickly be at an end. We shall then lose the dominion of the sea, and all our distant colonies and settlements, and be shut up in our own island, where the continuance of our liberties can be determined only by the resolution with which we shall defend them.

That this, my lords, must probably in a few years be our state, if the schemes of the House of Bourbon should succeed, is certain beyond all controversy; and therefore it is evident that no man to whom such a condition does not appear eligible, can look unconcerned at the confusion of the continent, or consider the destruction of the House of Austria, without endeavouring to prevent it.

But, my lords, though such endeavours are the duty of all who are engaged in the transaction of public affairs, though the importance of the cause of the queen of Hungary be acknowledged in the Speech to which we are to return an Address, it does not appear that the ministers of Britain have once attempted to assist her, or have even forborne any thing which might aggravate her distress.

The only effectual methods by which any efficacious relief could have been procured, were that of reconciling her with the king of Prussia, or that of prevailing upon the Russians to succour her.

A reconciliation with the king of Prussia would have been my first care, if the honour of advising on this occasion had fallen to my lot. To have mediated successfully between them could surely have been no difficult task, because each party could not but know how much it was their common interest to exclude the French from the empire, and how certainly this untimely discord must expose them both to their ancient enemy.

As in private life, my lords, when two friends carry any dispute between them to improper degrees of anger or resentment, it is the province of a third to moderate the passion of each, and to restore that benevolence which a difference of interest or opinion had impaired; so in alliances, or the friendships of nations, whenever it unhappily falls out that two of them forget the general good, and lay themselves open to those evils from which a strict union only can preserve them, it is necessary that some other power should interpose, and prevent the dangers of a perpetual discord.

Whether this was attempted, my lords, I know not; but if any such design was in appearance prosecuted, it may be reasonably imagined from the event, that the negociators were defective either in skill or in diligence; for how can it be conceived that any man should act contrary to his own interest, to whom the state of his affairs is truly represented?

But not to suppress what I cannot doubt, I am convinced, my lords, that there is in reality no design of assisting the queen of Hungary; either our ministers have not yet recovered from their apprehensions of the exorbitant power of the House of Austria, by which they were frighted some years ago into the bosom of France for shelter, and which left them no expedient but the treaty of Hanover; or they are now equally afraid of France, and expect the Pretender to be forced upon them by the power whom they so lately solicited to secure them from him.

Whatever is the motive of their conduct, it is evident, my lords, that they are at present to the unfortunate queen of Hungary, either professed enemies or treacherous allies; for they have permitted the invasion of her Italian dominions, when they might have prevented it without a blow, only by commanding the Spaniards not to transport their troops.

To argue that our fleet in the Mediterranean was not of strength sufficient to oppose their passage, is a subterfuge to which they can only be driven by the necessity of making some apology, and an absolute inability to produce any which will not immediately be discovered to be groundless.

It is known, my lords, to all Europe, that Haddock had then under his command 13 ships of the line, and nine frigates,

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and that the Spanish convoy consisted only of three ships; and yet they sailed before his eyes with a degree of security which nothing could have produced but a passport from the court of Britain, and an assured exemption from the danger of an attack.

It may be urged, that they were protected by the French squadron, and that Haddock durst not attack them, because he was unable to contend with the united fleets: but, my lords, even this is known to be false; it is known that they bore no proportion to the strength of the British squadron, that they could not have made even the appearance of a battle, and that our commanders could have been only employed in pursuit and captures.

This, my lords, was well known to our ministers, who were afraid only of destroying the French squadron, and were very far from apprehending any danger from it; but being determined to purchase, on any terms, the continuance of the friendship of their old protectors, consented to the invasion of Italy, and procured a squadron to sail out, under pretence of defending the Spanish transports, that their compliance might not be discovered.

All this, my lords, may reasonably be suspected at the first view of their proceedings: for how could an inferior force venture into the way of an enemy, unless upon security that they should not be attacked? But the late treaty of neutrality has changed suspicion into certainty, has discovered the source of all their measures, and shewn that the invasion of Italy is permitted to preserve Hanover from the like calamity.

There is great danger, my lords, lest this last treaty of Hanover should give the decisive blow to the liberties of Europe. How much it embarrasses the queen of Hungary, by making it necessary for her to divide her forces, is obvious at the first view; but this is not, in my opinion, its most fatal consequence. The other powers will be incited, by the example of our ministry, to conclude treaties of neutrality in the same manner. They will distrust every appearance of our zeal for the House of Austria, and imagine that we intend only an hypocritical assistance, and that our generals, our ambassadors, and our admirals, have, in reality, the same orders.

Nothing, my lords, is more dangerous than to weaken the public faith. When a nation can be no longer trusted, it loses all its influence, because none can fear its menaces, or depend on its alliance. A nation no longer trusted, must stand alone and unsupported; and it is certain that the nation which is justly suspected of holding with its open enemies a secret intercourse to the prejudice of its allies, can be no longer trusted.

This suspicion, my lords, this hateful, this reproachful character, is now fixed upon the court of Britain; nor does it take its rise only from the forbearance of our admiral, but has received new confirmation from the behaviour of our ambassador, (Mr. Trevor) who denied the treaty of neutrality, when the French minister declared it to the Dutch. Such now, my lords, is the reputation of the British court, a reputation produced by the most flagrant and notorious instances of cowardice and falshood, which cannot but make all our endeavours ineffectual, and discourage all those powers whose conjunction we might have promoted, from entering into any other engagements than such as we may purchase for stated subsidies. For who, upon any other motive than immediate interest, would form an alliance with a power, which, upon the first appearance of danger, gives up a confederate, to purchase, not a large extent of territory, not a new field of commerce, not a port or citadel, but an abject neutrality!

But however mean may be a supplication for peace, or however infamous the desertion of an ally, I wish, my lords, that the liberty of invading the queen of Hungary's dominions without opposition, had been the most culpable concession of our illustrious ministers, of whom it is reasonable to believe, that they have stipulated with the Spaniards, that they shall be repaid the expence of the war by the plunder of our merchants.

That our commerce has been unnecessarily exposed to the ravages of privateers, from which a very small degree of caution might have preserved it; that three hundred trading ships have been taken, and that 3,000 British sailors are now in captivity, is a consideration too melancholy to be long dwelt upon, and a truth too certain to be suppressed or denied.

How such havock could have been made, had not our ships of war concluded a treaty of neutrality with the Spaniards, and left the war to be carried on only by the merchants, it is not easy to conceive; for surely it will not be pretended, that all these losses were the necessary consequence of our situation with regard to



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Spain, which, if it exposed the Portugal traders to hazard, did not hinder us from guarding our own coasts.

And yet on our own coasts, my lords, have multitudes of our ships been taken by the Spaniards; they have been seized by petty vessels as they were entering our ports, and congratulating themselves upon their escape from danger.

In the late war with France, an enemy much more formidable both for power and situation, methods were discovered by which our trade was more efficaciously protected: by stationing a squadron at the mouth of the channel, of which two or three ships at a time cruized at a proper distance in the neighbouring seas, the privateers were kept in awe, and confined to their own harbours, or seized if they ventured to leave them.

But of such useful regulations in the present war there is little hope; for if the public papers are of any credit, the king of Spain considers the captures of our merchants as a standing revenue, and has laid an indulto upon them, as upon other parts of the Spanish trade.

It is therefore to little purpose that measures are proposed in this House, or schemes presented by the merchants, for the preservation of our commerce; for the merchants are considered as the determined enemies of our minister, who therefore resolved that they should repent of the war into which he was forced by them, contrary to those favourite schemes and established maxims, which he has pursued till the liberties of mankind are almost extinguished.

There are indeed some hopes, my lords, that new measures resolutely pursued might yet repair the mischiefs of this absurd and cowardly conduct, and that by resolution and dexterity the ambition of France might once more be disappointed. The king of Prussia appears at length convinced that he has not altogether pursued his real interest, and that his own family must fall in the ruin of the House of Austria. The king of Sardinia appears firm in his determination to adhere to the queen of Hungary, and has therefore refused a passage through his dominions to the Spanish troops. The states of Holland seem to have taken the alarm, and nothing but their distrust of our sincerity can hinder them from uniting against the House of Bourbon.

This distrust, my lords, we may probably remove, by reviving on this occasion our ancient forms of address, and declaring at once to his majesty, and to all the powers of Europe, that we are far from approving the late measures.

There is another reason why the short addresses of our ancestors may be preferred to the modern forms, in which a great number of particular facts are often comprehended. It is evident, that the addresses are presented before there can be time to examine whether the facts contained in them are justly stated; and they must therefore lose their efficacy with the people, who are sufficiently sagacious to distinguish servile compliance from real approbation, and who will not easily mistake the incense of flattery for the tribute of gratitude.

With regard to the propriety of the address proposed to your lordships, which is, like others, only a repetition of the speech, there is at least one objection to it, too important to be suppressed.

It is affirmed in the speech, in what particular words I cannot exactly remember, that since the death of the late German emperor, the interest of the queen of Hungary has been diligently and invariably promoted; an assertion which his majesty is too wise, too equitable, and too generous, to have uttered, but at the persuasion of his ministers.

His majesty well knows, that no important assistance has been hitherto given to that unhappy princess; he knows that the 12,000 men, who are said to have been raised for the defence of the empire, those mighty troops by whose assistance the enemies of Austria were to be scattered, never marched beyond the territory of Hanover, nor left that blissful country for a single day. And is it probable that the queen would have preferred money for troops, had she not been informed that it would be more easily obtained?

Nor was even this pecuniary assistance, though compatible with the security of Hanover, granted her without reluctance and difficulty, of which no other proof is necessary than the distance between the promise and the performance of it.

The money, my lords, is not yet all paid, though the last payment was very lately fixed. Such is the assistance which the united influence of justice and compassion has yet procured from the court of Britain.

Our ministers have been therefore hitherto, my lords, so far from acting with vigour in favour of the House of Austria,

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that they have never solicited the court of Russia, almost the only court now independent on France, to engage in her defence. How wisely that mighty power distinguishes her real interest, and how ardently she pursues it, the whole world was convinced in her alliance with the late emperor; nor is it unlikely, that she might have been easily persuaded to have protected his daughter with equal zeal. But we never asked her alliance lest we should obtain it, and yet we boast of our good offices.

Our governors thought it more nearly concerned them to humble our merchants than to succour our allies, and therefore admitted the Spaniards into Italy; by which prudent conduct they dexterously at once gratified the House of Bourbon, embarrassed the queen of Hungary, and endangered the effects of the British merchants lying at Leghorn; effects which were lately valued at 600,000*l.*, but which, by the seasonable arrival of the Spaniards, are happily reduced to half their price.

I hope therefore I need not urge to your lordships the necessity of confining our address to thanks and congratulations, because it is not necessary to say how inconsistent it must be thought with the dignity of this House to echo falshood, and to countenance perfidy.

The Duke of *Newcastle:*

My lords; the manner in which the noble lord who spoke last expresses his sentiments, never fails to give pleasure, even where his arguments produce no conviction; and his eloquence always receives its praise, though it may sometimes be disappointed of its more important effects.

In the present debate, my lords, I have heard no argument, by which I am inclined to change the usual forms of address, or to reject the motion which has been made to us.

The Address which has been proposed, is not, in my opinion, justly chargeable either with flattery to the ministers, or with disingenuity with respect to the people; nor can I discover in it any of those positions which have been represented so fallacious and dangerous. It contains only a general declaration of our gratitude, and an assertion of our zeal; a declaration and assertion to which I hope no lord in this assembly will be unwilling to subscribe.

As an enquiry into the propriety of this Address has produced, whether necessarily or not, many observations on the present state of Europe, and many animadversions upon the late conduct, it cannot be improper for me to offer to your lordships my opinion of the measures which have been pursued by us, as well in the war with Spain, as with regard to the queen of Hungary, and to propose my conjectures concerning the events which may probably be produced by the distractions on the continent.

This deviation from the question before us, will at least be as easily pardoned in me as in the noble lords, who have exhibited so gloomy a representation of our approaching condition, who have lamented the slavery with which they imagine all the states of Europe about to be harassed, and described the insolence and ravages of those oppressors to whom their apprehensions have already given the empire of the world. For surely, my lords, it is an endeavour no less laudable to dispel terror, than to excite it; and he who brings us such accounts as we desire to receive, is generally listened to with indulgence, however unelegant may be his expressions, or however irregular his narration.

That the power of the House of Bourbon is arrived at a very dangerous and formidable extent; that it never was hitherto employed but to disturb the happiness of the universe; that the same schemes which our ancestors laboured so ardently and so successfully to destroy, are now formed afresh, and intended to be put in immediate execution; that the empire is designed to be held henceforward in dependence on France, and that the House of Austria, by which the common rights of mankind have been so long supported, is now marked out for destruction, is too evident to be contested.

It is allowed, my lords, that the power of the House of Austria, which there was once reason to dread, lest it might have been employed against us, is now almost extinguished; and that name which has for so many ages filled the histories of Europe, is in danger of being forgotten. It is allowed, that the House of Austria cannot fall without exposing all those who have hitherto been supported by its alliance, to the utmost danger; and I need not add, that they ought therefore to assist it with the utmost expedition, and the most vigorous measures.

It may be suggested, my lords, that this assistance has been already delayed till it

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is become useless, that the utmost expedition will be too slow, and the most vigorous measures too weak, to stop the torrent of the conquests of France; that the fatal blow will be struck, before we shall have an opportunity to ward it off, and that our regard for the House of Austria will be only compassion for the dead.

But these, my lords, I hope, are only the apprehensions of a mind overborne with sudden terrors, and perplexed by a confused survey of complicated danger; for if we consider more distinctly the powers which may be brought in opposition to France, we shall find no reason for despairing that we may once more stand up with success in defence of our religion and the liberty of mankind, and once more reduce those troublers of the world to the necessity of abandoning their destructive designs.

The noble lord has already mentioned the present disposition of three powerful states, as a motive for vigorous resolutions, and a consideration that may at least preserve us from despair; and it is no small satisfaction to me to observe, that his penetration and experience incline him to hope upon the prospect of affairs as they now appear; because I doubt not but that hope will be improved into confidence, by the account which I can now give your lordships of the intention of another power, yet more formidable, to engage with us in the great design of repressing the insolence of France.

A treaty of alliance, my lords, has been for some time concerted with the empress of Russia, and has been negociated with such diligence, that it is now completed, and I doubt not but the last ratifications will arrive at this court in a few days; by which it will appear to your lordships, that the interest of this nation has been vigilantly regarded, and to our allies, that the faith of Britain has never yet been shaken. It will appear to the French, that they have precipitated their triumphs, that they have imagined themselves masters of nations by whom they will be in a short time driven back to their own confines, and that perhaps they have parcelled out kingdoms which they are never likely to possess.

It was affirmed, and with just discernment, that applications ought to be made to this powerful court, as the professed adversary of France; and if it was not hitherto known that their assistance had been assiduously solicited, our endeavours were kept secret only that their success might be more certain, and that they might surprise more powerfully by their effects.

Nor have the two other princes, which were mentioned by the noble lord, been forgotten, whose concurrence is at this time so necessary to us: and I doubt not but that the representations which have been made with all the force of truth, and all the zeal that is awakened by interest and by danger, will in time produce the effects for which they were intended; by convincing those princes that they endanger themselves by flattering the French ambition, that they are divesting themselves of that defence of which they will quickly regret the loss, and that they are only not attacked at present, that they may be destroyed more easily hereafter.

But it is always to be remembered, my lords, that in public transactions, as in private life, interest acts with less force as it is at greater distance, and that the immediate motive will generally prevail. Futurity impairs the influence of the most important objects of consideration, even when it does not lessen their certainty; and with regard to events only probable, events which a thousand accidents may obviate, they are almost annihilated, with regard to the human mind, by being placed at a distance from us. Wherever imagination can exert its power, we easily dwell upon the most pleasing views, and flatter ourselves with those consequences, which, though perhaps least to be expected, are most desired. Wherever different events may arise, which is the state of all human transactions, we naturally promote our hopes, and repress our fears; and in time so far deceive ourselves, as to quiet all our suspicions, lay all our terrors asleep, and believe what at first we only wished.

This, my lords, must be the delusion by which some states are induced to favour, and others to neglect, the encroachments of France. Men are impolitic, as they are wicked; because they prefer the gratification of the present hour to the assurance of solid and permanent, but distant happiness. The French take advantage of this general weakness of the human mind, and by magnificent promises to one prince, and petty grants to another, reconcile them to their designs. Each finds that he shall gain more by contracting an alliance with them, than with another state which has no view, besides that of preserving to every sovereign his just rights, and which therefore, as it plunders none, will have nothing to bestow.

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This, my lords, is the disadvantage under which our negociators labour against those of France; we have no kingdoms to parcel out among those whose confederacy we solicit; we can promise them no superiority above the neighbouring princes which they do not now possess: we assume not the province of adjusting the boundaries of dominion, or of deciding contested titles: we promise only the preservation of quiet, and the establishment of safety.

But the French, my lords, oppose us with other arguments, arguments which indeed receive their force from folly and credulity; but what more powerful assistance can be desired? They promise not mere negative advantages, not an exemption from remote oppression, or an escape from slavery, which, as it was yet never felt, is very little dreaded; they offer an immediate augmentation of dominion, and an extension of power; they propose new tracks of commerce, and open new sources of wealth; they invite confederacies, not for defence, but for conquests; for conquests to be divided among the powers by whose union they shall be made.

Let it not therefore be objected, my lords, to our ministers, or our negociators, that the French obtain more influence than they; that they are more easily listened to, or more readily believed: for while such is the condition of mankind, that what is desired is easily credited, while profit is more powerful than reason, French eloquence will frequently prevail.

Whether, my lords, our seeming want of success in the war with Spain admits of as easy a solution, my degree of knowledge in military affairs does not enable me to determine. An account of this part of our conduct is to be expected from the Commissioners of the Admiralty, by whom, I doubt not, but such reasons will be assigned for all the operations of our naval forces, and such vindications offered of all those measures, which have been hitherto imputed too precipitately to negligence, cowardice, or treachery, as will satisfy those who have been most vehement in their censures.

But because it does not seem to me very difficult to apologize for those miscarriages which have occasioned the loudest complaints, I will lay before your lordships what I have been able to collect from enquiry, or to conjecture from observation; and doubt not but it will easily appear, that nothing has been omitted from any apparent design of betraying our country, and that our ministers and commanders will deserve, at least, to be heard before they are condemned.

That great numbers of our trading vessels have been seized by the Spaniards, and that our commerce has therefore been very much embarrassed, and interrupted, is sufficiently manifest; but to me, my lords, this appears one of the certain and necessary consequences of war, which are always to be expected and to be set in our consultations against the advantages which we propose to obtain. It is as rational to expect, that of an army sent against our enemies, every man should return unhurt to his acquaintances, as that every merchant should see his ship and cargo sail safely into port.

If we examine, my lords, the late war, of which the conduct has been so lavishly applauded, in which the victories which we obtained have been so loudly celebrated, and which has been proposed to the imitation of all future ministers, it will appear that our losses of the same kind were then very frequent, and perhaps not less complained of, though the murmurs are now forgotten, and the acclamations transmitted to posterity, because we naturally relate what has given us satisfaction, and suppress what we cannot recollect without uneasiness.

If we look farther backward, my lords, and enquire into the event of any other war in which we engaged since commerce has constituted so large a part of the interest of this nation, I doubt not but in proportion to our trade will be found our losses; and in all future wars, as in the present, I shall expect the same calamities and the same complaints. For the escape of any number of ships raises no transport, nor produces any gratitude; but the loss of a few will always give occasion to clamours and discontent. For vigilance, however diligent, can never produce more safety than will be naturally expected from our incontestable superiority at sea, by which a great part of the nation is so far deceived as to imagine, that because we cannot be conquered, we cannot be molested.

Nor do I see how it is possible to employ our power more effectually for the protection of our trade than by the method now pursued of covering the ocean with our fleets, and stationing our ships of war in every place where danger can be apprehended. If it be urged, that the inefficacy of our measures is a sufficient

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proof of their impropriety, it will be proper to substitute another plan of operation, of which the success may be more probable. To me, my lords, the loss of some of our mercantile vessels shows only the disproportion between the number of our ships of war, and the extent of the sea, which is a region too vast to be completely garrisoned, and of which the frequenters must inevitably be subject to the sudden incursions of subtle rovers.

The disposition of our squadrons has been such, as was doubtless dictated by the most acute sagacity, and the most enlightened experience. The squadron which was appointed to guard our coasts has been ridiculed as an useless expence; and its frequent excursions and returns, without any memorable attempt, have given occasion to endless raillery, and incessant exclamations of wonder and contempt. But it is to be considered, my lords, that the enemies of this nation, either secret or declared, had powerful squadrons in many ports of the Mediterranean, which, had they known that our coasts were without defence, might have issued out on a sudden, and have appeared unexpectedly in our channel, from whence they might have laid our towns in ruin, entered our docks, burnt up all our preparations for future expeditions, carried into slavery the inhabitants of our villages, and left the maritime provinces of this kingdom in a state of general desolation.

Out of this squadron, however necessary, there was yet a reinforcement of five ships ordered to assist Haddock, that he might be enabled to oppose the designs of the Spaniards, though assisted by their French confederates, whom it is known that he was so far from favouring, that he was stationed before Barcelona to block them up. Why he departed from that port, and upon what motives of policy, or maxims of war, he suffered the Spaniards to prosecute their scheme, he only is able to inform us.

That the Spaniards have not at least been spared by design, is evident from their sufferings in this war, which have been much greater than ours. Many of our ships have indeed been snatched up by the rapacity of private adventurers, whom the ardour of interest had made vigilant, and whose celerity of pursuit as well as flight, enables them to take the advantage of the situation of their own ports, and those of their friends. But as none of our ships have been denied convoys, I know not how the loss of them can be imputed to the ministry; and if any of those who sailed under the protection of ships of war have been lost, the commanders may be required to vindicate themselves from the charge of negligence or treachery.

But this enquiry, my lords, must be, in my opinion, reserved for another day, when it may become the immediate subject of our consultations, with which it has at present no coherence, or to which at least it is very remotely related. For I am not able, upon the most impartial and the most attentive consideration of the address now proposed to your lordships, to perceive any necessity of a previous enquiry into the conduct of the war, the transaction of our negociations, or the state of the kingdom, in order to our compliance with this motion, by which we shall be far from sheltering any crime from punishment, or any doubtful conduct from enquiry; shall be far from obstructing the course of national justice, or approving what we do not understand.

The chief tendency of his majesty's Speech is to ask our advice on this extraordinary conjuncture of affairs, a conduct undoubtedly worthy of a British monarch, and which we ought not to requite with disrespect; but what less can be inferred from an alteration of our established forms of address, by an omission of any part of the Speech? For what will be imagined by his majesty, by the nation, and by the whole world, but that we did not approve what we did not answer?

The Duke of *Argyle*:

My lords; it is with great reason that the present time has been represented to us from the throne as a time of uncommon danger and disturbance, a time in which the barriers of kingdoms are broken down in contempt of every law of heaven and of earth, and in which ambition, rapine, and oppression, seem to be let loose upon mankind; a time in which some nations send out armies and invade the territories of their neighbours, in opposition to the most solemn treaties, of which others, with equal perfidy, silently suffer, or secretly favour, the violation.

At a time like this, when treaties are considered only as momentary expedients, and alliances confer no security, it is evident that the preservation of our rights, our interest, and our commerce, must depend only on our natural strength: and

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that instead of cultivating the friendship of foreign powers, which we must purchase upon disadvantageous conditions, and which will be withdrawn from us whenever we shall need it; we ought therefore to collect our own force, and show the world how little we stand in need of assistance, and how little we have to fear from the most powerful of our enemies.

Our country, my lords, seems designed by nature to subsist without any dependance on other nations, and by a steady and resolute improvement of these advantages with which Providence has blessed it, may bid defiance to mankind; it might become, by the extension of our commerce, the general centre at which the wealth of the whole earth might be collected together, and from whence it might be issued upon proper occasions, for the diffusion of liberty, the repression of insolence, and the preservation of peace.

But this glory, and this influence, my lords, must arise from domestic felicity; and domestic felicity can only be produced by a mutual confidence between the government and the people. Where the governors distrust the affections of their subjects, they will not be very solicitous to advance their happiness; for who will endeavour to encrease that wealth which will, as he believes, be employed against him? Nor will the subjects cheerfully concur even with the necessary measures of their governors, whose general designs they conceive to be contrary to the public interest; because any temporary success or accidental reputation, will only dazzle the eyes of the multitude while their liberties are stolen away.

This confidence, my lords, must be promoted where it exists, and regained where it is lost, by the open administration of justice, by impartial enquiries into public transactions, by the exaltation of those whose wisdom and bravery has advanced the public reputation, or encreased the happiness of the nation, and the censure of those, however elate with dignities, or surrounded with dependants, who, by their unskilfulness or dishonesty, have either embarrassed their country or betrayed it.

For this reason, my lords, it is in my opinion necessary to gratify the nation, at the present juncture, with the prospect of those measures, without which no people can reasonably be satisfied, and to pacify their resentment of past injuries, and quiet their apprehensions of future miseries, by a possibility at least, that they may see the authors of all our miscarriages called to a trial in open day, and the merit of those men acknowledged and rewarded, by whose resolution and integrity they imagine that the final ruin of themselves and posterity has been hitherto prevented.

That the present discontent of the British nation is almost universal, that suspicion has infused itself into every rank and denomination of men, that complaints of the neglect of our commerce, the misapplication of our treasure, and the unsuccessfulness of our arms, are to be heard from every mouth, and in every place, where men dare útter their sentiments, I suppose, my lords, no man will deny; for whoever should stand up in opposition to the truth of a fact so generally known, would distinguish himself, even in this age of effrontery and corruption, by a contempt of reputation, not yet known amongst mankind.

And indeed, my lords, it must be confessed that these discontents and clamours are produced by such an appearance of folly, or of treachery, as few ages or nations have ever known; by such an obstinate perseverance in bad measures, as shame has hitherto prevented in those upon whom nobler motives, fidelity to their trust, and love of their country, had lost their influence.

Other ministers, when they have formed designs of sacrificing the public interest to their own, have been compelled to better measures by timely discoveries, and just representations; they have been criminal only because they hoped for secrecy, and have vindicated their conduct no longer than while they had hopes that their apologies might deceive.

But our heroic ministers, my lords, have set themselves free from the shackles of circumspection, they have disburthened themselves of the embarrassments of caution, and claim an exemption from the necessity of supporting their measures by laborious deductions and artful reasonings; they defy the public when they can no longer delude it, and prosecute, in the face of the sun, those measures which they have not been able to support, and of which the fatal consequences are foreseen by the whole nation.

When they have been detected in one absurdity, they take shelter in another;

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when experience has shown that one of their attempts was designed only to injure their country, they propose a second of the same kind with equal confidence, boast again of their integrity, and again require the concurrence of the legislature, and the support of the people.

When they had for a long time suffered our trading vessels to be seized in sight of our own ports, when they had dispatched fleets into the Mediterranean, only to lie exposed to the injuries of the weather, and to sail from one coast to another, only to show that they had no hostile intentions, and that they were fitted out by the friends of the Spaniards, only to amuse and exhaust the nation, they at length thought it necessary to lull the impatience of the people, who began to discover that they had hitherto been harassed with taxes and impresses to no purpose, by the appearance of a new effort for the subjection of the enemy, and to divert, by the expectations which an army and a fleet naturally raise, any clamours at their past conduct.

For this end, having entered into their usual consultations, they projected an expedition to America, for which they raised forces and procured transports, with all the pomp of preparation for the conquest of half the continent, not so much to alarm the Spaniards, which I conceive but a secondary view, as to fill the people of Britain with amusing prospects of great achievements, of the addition of new dominions to this empire, and an ample reparation for all their damages.

Thus provided with forces sufficient in appearance for this mighty enterprise, they embarked them after many delays, and dismissed them to their fate, having first disposed their regulations in such a manner, that it was impossible that they should meet with success.

I can call your lordships to witness, that this impossibility was not discovered by me after the event, for I foretold in this House, that their designs, so conducted, must evidently miscarry.*

Nor was this prediction, my lords, the effect of any uncommon sagacity, or any accidental conjecture on future consequences which happened to be right; for to any man who has had opportunities of observing that knowledge in war is necessary to success, and experience is the foundation of knowledge, it was sufficiently plain that our forces must be repulsed.

The forces sent to America, my lords, were newly raised, placed under the direction of officers not less ignorant than themselves, and commanded by a man who never had commanded any troops before; and who, however laudably he might have discharged the duty of a captain, was wholly unacquainted with the province of a general.

Yet was this man, my lords, preferred, not only to a multitude of other officers, to whom experience must have been of small advantage, if it did not furnish them with knowledge far superior to his, but to five and forty generals, of whom I hope the nation has no reason to suspect that any of them would not gladly have served it on an occasion of so great importance, and willingly have conducted an expedition intended to retrieve the honour of the British name, the terror of our arms, and the security of our commerce.

When raw troops, my lords, with young officers, are to act under the command of an unskilful general, what is it reasonable to expect, but what has happened, overthrow, slaughter, and ignominy? What but that cheap victories should heighten the insolence, and harden the obstinacy of our enemies; and that we should not only be weakened by our loss, but dispirited by our disgrace; by the disgrace of being overthrown by those whom we have despised, and with whom nothing but our own folly could have reduced us to a level?

The other conjecture which I ventured to propose to your lordships, with regard to the queen of Hungary, was not founded on facts equally evident with the former, though experience has discovered that it was equally true. It was then asserted, both by other lords and myself, that money would be chosen by that princess as an assistance more useful than forces; an opinion, which the lords who are engaged in the administration vigorously opposed. In consequence of their determination, forces were hired,—for what purpose let them now declare, since none but themselves have yet known.

That at least they were not taken into our pay for the service for which they were required, the succour of the House of Austria, is most evident, unless the name of armies is imagined sufficient to

* See the Duke of Argyle's Speech on the State of the Army, vol. 11, p. 894.

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intimidate the French, as the Spaniards are to be subdued by the sight of fleets. They never marched towards her frontiers, never opposed her enemies, or afforded her the least assistance, but stood idle and unconcerned in the territories of Hanover; nor was it known that they existed by any other proof than that remittances were made for their pay.

Such, my lords, was the assistance, asked with so much solicitude, and levied with so much expedition, for the queen of Hungary; such were the effects of the zeal of our illustrious ministers for the preservation of that august House, to whose alliance we are perhaps indebted for the preservation of our religion and our liberties, and to which all Europe must have recourse for shelter from the oppression of France.

When this formidable body of men was assembled, my lords, and reviewed, they were perhaps found too graceful and too well sorted to be exposed to the dangers of a battle; and the same tenderness that has so long preserved our own forces from any other field than the Park, might rescue them from the fatigues of accompanying the active hussars in their incursions, or the steady Austrians in their conflicts.

Whatever was the reason, my lords, it is certain that they have been reserved for other opportunities of signalizing their courage, and they slept in quiet, and fattened upon the wealth of Great Britain, while the enemies of our illustrious, magnanimous, and unfortunate ally, entered her territories without opposition, marched through them uninterrupted, and rather took possession than made conquests.

That in this condition of her affairs, the queen would refuse an offer of 12,000 men; that when she was driven from one country to another, attended by an army scarcely sufficient to form a flying camp, she would not gladly have accepted a reinforcement so powerful, let those believe, my lords, who have yet never been deceived by ministerial faith.

The real designs of the ministry, my lords, are sufficiently obvious; nor is there any thing more certain, than that they had in requiring this mock assistance for the queen of Hungary, no other design, than that of raising her expectations only to deceive them; and to divert her, by confidence in their preparations, from having recourse to more efficacious expedients, that she might become, without resistance, the slave of France.

For this purpose they determined to succour her with forces rather than with money; because many reasons might be pretended, by which the march of the forces might be retarded; but the money, my lords, when granted, must have been more speedily remitted.

At last the queen, weary with delays, and undoubtedly sufficiently informed of those designs, which are now, however generally discovered, confidently denied, desired a supply of money, which might be granted without leaving Hanover exposed to an invasion. With this demand, which they had no pretence to deny, they have yet found expedients to delay their compliance. For it does not appear that the whole sum granted has yet been paid; and it would well become those noble lords, whose offices give them an opportunity of observing the distribution of the public money, to justify themselves from the suspicions of the nation, by declaring openly what has been remitted, and what yet remains to be disbursed for some other purpose.

Is it not therefore evident, my lords, that by promising assistance to this unhappy princess, the ministry intended to deceive her? That when they flattered her with the approach of auxiliary forces, they designed only to station them where they might garrison the frontiers of Hanover? And that when they forced her to solicit for pecuniary aid, they delayed the payment of the subsidy, that it might not be received till it could produce no effect?

This, my lords, is not only evident from the manifest absurdity of their conduct upon any other supposition, but from the general scheme which has always been pursued by the man whose dictatorial instructions regulate the opinions of all those that constitute the ministry, and of whom it is well known, that it has been the great purpose of his life to aggrandize France, by applying to her for assistance in imaginary distresses from fictitious confederacies, and by sacrificing to her in return the House of Austria, and the commerce of Britain.

How then, my lords, can it be asserted by us, that the House of Austria has been vigilantly supported? How can we approve measures of which we discover no effect but the expence of the nation? A double expence, produced first by raising troops, which, though granted for the assistance of the Austrians, have been made use of only for the protection of Hanover,



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and by the grant of money in the place of these troops which were thus fallaciously obtained, and thus unprofitably employed!

For what purpose these forces were in reality raised, I suppose no man can be ignorant, and no man to whom it is known can possibly approve it. How then, my lords, can we concur in an address by which the people must be persuaded, that we either are deceived ourselves, or endeavour to impose upon them; that we either dare not condemn any measures however destructive, or that at least we are in haste to approve them, lest enquiry should discover their tendency too plainly to leave us the power of applauding them, without an open declaration of our own impotence, or disregard for the welfare of the public.

The complaints of the people are already clamorous, and their discontent open and universal; and surely the voice of the people ought at least to awake us to an examination of their condition. And though we should not immediately condemn those whom they censure and detest, as the authors of their miseries, we ought at least to pay so much regard to the accusation of the whole community, as not to reject it without enquiry, as a suspicion merely chimerical.

Whether these complaints and suspicions, my lords, proceed from real injuries and imminent dangers, or from false accusations and groundless terrors, they equally deserve the attention of this House, whose great care is the happiness of the people: people equally worthy of your tenderness and regard, whether they are betrayed by one party or another; whether they are plundered by the advocates of the administration, under pretence of supporting the government, or affrighted with unreasonable clamours by the opponents of the court, under the specious appearance of protecting liberty. The people, my lords, are in either case equally miserable, and deserve equally to be rescued from distress.

By what method, my lords, can this be effected, but by some public assurance from this House, that the transactions of the nation shall no longer be concealed in impenetrable secrecy; that measures shall be no longer approved without examination; that public evils shall be traced to their causes; and that disgrace, which they have hitherto brought upon the public, shall fall for the future only upon the authors of them?

Of giving this assurance, and of quieting by it the clamours of the people, clamours which, whether just or not, are too formidable to be slighted, and too loud not to be heard, we have now the most proper opportunity before us. The Address which the practice of our ancestors requires us to make to his majesty, may give us occasion of expressing at once our loyalty to the crown, and our fidelity to our country, our zeal for the honour of our sovereign, and our regard for the happiness of the people.

For this purpose it is necessary that, as we preserve the practice of our ancestors in one respect, we revive it in another; that we imitate those in just freedom of language whom we follow in the decent forms of ceremony; and show, that as we preserve, like them, a due sense of the regal dignity, so like them we know likewise how to preserve our own, and despise flattery on one side, as we decline rudeness on the other.

A practice, my lords, has prevailed of late, which cannot but be allowed pernicious to the public, and derogatory from the honour of this House; a practice of retaining in our Address the words of the Speech, and of following it servilely from period to period, as if it were expected that we should always adopt the sentiments of the court, as if we were not summoned to advise but to approve, and approve without examination.

By such addresses, my lords, all enquiries may be easily precluded; for the minister by whom the Speech is compiled, may easily introduce the most criminal transactions in such a manner, as that they may obtain the approbation of this House; which he may plead afterwards at our bar, when he shall be called before it, and either involve us in the disgrace of inconsistency, and expose us to general contempt, or be acquitted by our former suffrages, which it would be reproachful to retract, and yet criminal to confirm.

It is not necessary, my lords, on this occasion to observe, what all parties have long since acknowledged, when it did not promote their interest to deny it, that every Speech from the throne is to be considered as the work of the minister, because it is generally written by him: or if composed by the king himself, must be drawn up in pursuance of the information and counsel of the ministry, to whom it is therefore ultimately to be referred, and may consequently be examined with-

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out any failure of respect to the person of the prince.

This ought however to be observed, my lords, that it may appear more plainly how certainly this practice may be imputed to the artifices of ministers, since it does not promote the honour of the prince, and manifestly obstructs the interest of the people; since it is a practice irrational in itself, because it is inconsistent with the great purpose of this House, and can therefore serve no other than that of procuring indemnity to the ministers, by placing them out of the reach of future animadversion.

Let not, my lords, the uninterrupted continuance of this practice for some reigns be pleaded in its defence, for nothing is more worthy of the dignity of this House, than to prevent the multiplication of dangerous precedents. That a custom manifestly injurious to the public has continued long, is the strongest reason for breaking it, because it acquires every year new authority and greater veneration: if when a nation is alarmed and distracted, a custom of twenty years is not to be infringed, it may in twenty years more be so firmly established, that many may think it necessary to be supported, even when those calamities are incontestably felt, which perhaps now are only feared.

I shall therefore, my lords, propose that of the Address moved for, all be left out but the first paragraph; it will then be more consistent with the honour of your lordships, with our regard for the people, and with our duty to the crown, and hope no lord will refuse his concurrence.

Lord Chancellor *Hardwicke:*

My lords; upon an attentive consideration of the Address now proposed, I am not able to discover any objections which can justly hinder the unanimous concurrence of this House, since there is not any proposition contained in it either dangerous or uncertain.

The noble lords who have opposed this motion with the most ardent vehemence, are very far from denying what is asserted in it; they readily grant that designs are concerted by many formidable powers against the House of Austria, and that the consequences of the ruin of that family must extend to the utmost parts of Europe, and endanger the liberties of Great Britain itself; that the power of France will then be without a rival, and that she may afterwards gratify her ambition without fear and without danger.

Nor is it, my lords, less obvious in itself, or less generally allowed, that this is a time which demands the most active vigour, the most invariable unanimity, and the most diligent dispatch; that nothing can interrupt the course of our common enemies but the wisest counsels, and the most resolute opposition; and that upon our conduct at this great conjuncture may probably depend the happiness and liberty of ourselves, our allies, and our posterity.

All this, my lords, is allowed to be apparently and indisputably true; I am therefore at a loss to conceive what can be the occasion of the debate in which some of your lordships have engaged. As the causes of the calamities which are said to threaten us are not assigned in the address, we shall leave ourselves at full liberty to charge them upon those who shall appear from future enquiries to deserve so heavy an accusation.

If the ministers have by any inconstancy in their measures, or folly in their negociations, given an opportunity to the enemies of Europe to extend their influence, or endangered either our own interest, or that of our allies; if they have by oppression or negligence alienated from his majesty the affections of his people, or the confidence of his confederates, nothing that is contained in the Address now before us can be produced by them in justification of their conduct, or secure them from accusation, censure, and punishment.

If the war, my lords, has been hitherto carried on with clandestine stipulations, or treacherous compacts; if our admirals have received orders to retire from the coast of Spain, only to give our enemies an opportunity of invading the dominions of the queen of Hungary, or have without directions deserted their stations, and abandoned the protection of our commerce and our colonies; we shall, notwithstanding this Address, retain in our hands the privilege of enquiring into their conduct, and the power, if it be found criminal, of inflicting such penalties as justice shall require.

I know not therefore, my lords, upon what motives the debate is continued, nor what objections they are which hinder our unanimity, at a time when all petty controversies ought to be forgot, and all nominal distinctions laid aside; at a time when general danger may justly claim general attention, and we ought to suspend the assertion of our particular opinions, and the prosecution of our sepa-

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rate interests, and regard only the opposition of France, the support of our allies, and the preservation of our country.

The noble lords who have offered their sentiments on this occasion, have very diffusely expatiated on the miseries that impend over us, and have shewn uncommon dexterity and acuteness in tracing them all to one source, the weakness or dishonesty of the British ministry.

For my part, my lords, though perhaps I believe that many circumstances of the present distress are to be imputed to accidents which could not be foreseen, and that the conduct of the ministry, however sometimes disappointed of the effects intended by it, was yet prudent and sincere, I shall at present forbear to engage in their defence, because the discussion of a question so complicated must necessarily require much time, and because I think it not so useful to enquire how we were involved in our present difficulties, as by what means we may be extricated from them.

The method by which weak states are made strong, and by which those that are already powerful, are enabled to exert their strength with efficacy, is the promotion of union, and the abolition of all suspicions by which the people may be incited to a distrust of their sovereign, or the sovereign provoked to a disregard of his people. With this view, my lords, all addresses ought to be drawn up, and this consideration will be sufficient to restrain us from any innovations at a time like this.

If it should be granted, my lords, that the ancient method were better adapted to the general intention of addresses, more correspondent to the dignity of this House, and liable to fewer inconveniences than that which later times have introduced, yet it will not follow that we can now safely change it.

Nothing in the whole doctrine of politics is better known, than that there are times when the redress of grievances inveterate and customary is not to be attempted; times when the utmost care is barely sufficient to avert extreme calamities, and prevent a total dissolution; and in which the consideration of lighter evils must not be suffered to interrupt more important counsels, or divert that attention which the preservation of the state necessarily demands.

Such, my lords, is the present time, even by the confession of those who have opposed the motion, and of whom therefore it may be reasonably demanded, why they waste these important hours in debates upon forms and words?

For that only forms and words have produced the debate, must be apparent, even to themselves, when the fervour of controversy shall have slackened; when that vehemence with which the most moderate are sometimes transported, and that acrimony, which candour itself cannot always forbear, shall give way to reflection and to reason. That the danger is pressing, and that pressing dangers require expedition and unanimity, they willingly grant; and what more is asserted in the Address?

That any lord should be unwilling to concur in the customary expressions of thankfulness and duty to his majesty, or in acknowledgments of that regard for this House with which he asks our assistance and advice, I am unwilling to suspect; nor can I imagine that any part of the opposition to this proposal can be produced by unwillingness to comply with his majesty's demands, and to promise that advice and assistance, which it is our duty, both to our sovereign, our country, and ourselves, to offer.

That those, my lords, who have expressed in terms so full of indignation their resentment of the imaginary neglect of the queen of Hungary's interest, have declared the House of Austria the only bulwark of Europe, and expressed their dread of the encroachments of France with emotions which nothing but real passion can produce, should be unwilling to assert their resolution of adhering to the Pragmatic Sanction, and of defending the liberties of the empire, cannot be supposed.

And yet, my lords, what other reasons of their conduct can be assigned either by his majesty, or the people, or the allies of Great Britain; those allies whose claim they so warmly assert, and whose merits they so loudly extol? Will it not be imagined in foreign courts, that the measures now recommended by the king, are thought not consistent with the interest of the nation? Will it not be readily believed, that we propose to abandon those designs of which we cannot be persuaded to declare our approbation?

What will be the consequence of such an opinion artfully propagated by France, and confirmed by appearances so likely to deceive, may easily be foreseen, and safely predicted. The French will prosecute their schemes with fresh ardour,

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when they dread no longer any interruption from the only nation able to resist them; and it is well known, my lords, how often confidence, by exciting courage, produces success.

Nor, indeed, can the success of their endeavours, thus animated and quickened, be easily doubted, since the same appearances that encourage them will intimidate their enemies. Our allies will then think no longer of union against the general enemy; they must imagine their united force insufficient, and the only emulation amongst them will quickly be, which shall first offer his liberty to sale, who shall first pay his court to the masters of the world, and merit mercy by a speedy submission.

Thus, my lords, will the House of Austria, that House so faithful to Great Britain, and so steady in its opposition to the designs of French ambition, be finally sunk in irrecoverable ruin, by those who appear to please themselves with declamations in its praise, and resolutions for its defence; and who never speak of the French without rage and detestation.

If on this occasion, my lords, we should give any suspicion of unusual discontent, what could be concluded but that we are unwilling any longer to embarrass ourselves with remote considerations, to load this nation with taxes for the preservation of the rights of other sovereigns, and to hazard armies in the defence of the continent? What can our allies think, but that we are at present weary of the burthensome and expensive honour of holding the balance of power in our hands, are content to resign the unquiet province of the arbiters of Europe, and propose to confine our care henceforward to our immediate interest, and shut up ourselves in our own island?

That this is the real design of any of those noble lords who have opposed the motion, I do not intend to insinuate: for I doubt not but they believe the general interest both of this nation and its allies, most likely to be promoted by the method of address which they recommend, since they declare that they do not think our state desperate, and confess the importance of the affairs on which we are required by his majesty to deliberate, to be such, that nothing ought to repress our endeavours but impossibility of success.

Such is the knowledge and experience of those noble lords, that the hopes which I had formed of seeing the destructive attempts of the French once more defeated, and power restored again to that equipoise which is necessary to the continuance of tranquillity and happiness, have received new strength from their concurrence, and I shall now hear with less solicitude the threats of France.

That the French, my lords, are not invincible, the noble duke who spoke last has often experienced; nor is there any reason for imagining that they are now more formidable than when we encountered them in the fields of Blenheim and Ramillies. Nothing is requisite but a firm union among those princes who are immediately in danger from their encroachments, to reduce them to withdraw their forces from the countries of their neighbours, and quit, for the defence of their own territories, their schemes of bestowing empires, and dividing dominions.

That such an union is now cultivated, we have been informed by his majesty, whose endeavours will probably be successful, however they may at first be thwarted and obstructed; because the near approach of danger will rouse those whom avarice has stupified, or negligence intoxicated; thus truth and reason will become every day more powerful, and sophistry and artifice be in time certainly detected.

When therefore, my lords, we are engaged in consultations which may affect the liberties of a great part of mankind, and by which our posterity to many ages may be made happy or miserable; when the daily progress of the enemies of justice and of freedom ought to awaken us to vigilance and expedition, and there are yet just hopes that diligence and firmness may preserve us from ruin, let us not waste our time in unnecessary debates, and keep the nations of Europe in suspence by the discussion of a question, the decision of which may be delayed for years, without any manifest inconvenience. Let us not embarrass his majesty by an unusual form of address, at a time when he is negociating alliances, and forming plans for the rescue of the empire.

Nothing, my lords, is more remote from the real end of addresses, than a representation of them as made only to the minister; for if there be any commerce between a prince and his subjects, in which he is the immediate agent, if his personal dignity be interested in any act of government, I think it is not to be denied, that

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in receiving the addresses of the two Houses, he assumes a peculiar and distinct character, which cannot be confounded with his council or ministry.

The Duke of *Argyle*:

My lords; if there was now any contest amongst us for superiority of regard to his majesty, of zeal for his honour, or reverence of his person, I should not doubt of proving that no lord in this House can boast of more ardour, fidelity, or respect than myself; and if the chief question now amongst us related to the terms in which he deserves to be addressed by us, I should be unwilling that any man should propose language more submissive and reverent, or more forcible and comprehensive, than myself.

But addresses, however they may for present purposes be represented as regarding the personal character of the king, are in reality nothing more than replies to a Speech composed by the minister, whose measures if we should appear to commend, our panegyric may, in some future proceeding, be cited against us. Every address therefore ought to be considered as a public record, and to be drawn up, to inform the nation, not to mislead our sovereign.

The Address now proposed, is indeed equally indefensible to whomsoever it may be supposed to relate. If it respects the people, it can only drive them to despair; if it be confined to the sovereign, our advice, not our panegyric, is now required, and Europe is to be preserved from ruin, not by our eloquence, but our sincerity. Respect to his majesty, my lords, will be best shown by preserving his influence in other nations, and his authority in his own kingdom. This can only be done by showing him how the one has been impaired, and how the other may be in time endangered.

By addresses like this which is now proposed, my lords, has his majesty been betrayed into an inadvertent approbation of measures pernicious to the nation, and dishonourable to himself, and will now be kept ignorant of the despicable conduct of the war, the treacherous connivance at the descent of the Spaniards upon the dominions of the queen of Hungary, and the contempt with which every nation of the continent has heard of the neutrality lately concluded. By addresses like this, my lords, have the rights of the nation been silently given up, and the invaders of liberty, and violators of our laws preserved from prosecution; by such addresses have our monarchs been ruined at one time, and our country enslaved at another.

Lord *Harrington*:

My lords; it is necessary to explain that treaty of neutrality* which has been mentioned by some lords as an act to the last degree shameful, an act by which the nation has been dishonoured, and the general liberties of Europe have been betrayed; a representation so distant from the truth, that it can only be imputed to want of information.

This treaty of neutrality, my lords, is so far from being reproachful to this nation, that it has no relation to it, being made by his majesty not in the character of king of Great Britain, but elector of Hanover; nor is any thing stipulated by it but security of the dominions of Hanover from the invasion of the French, for a single year.

What part of this transaction, my lords, can be supposed to fall under the cognizance of this House? Or with what propriety can it be mentioned in our debates, or produce an argument on either side? That the dominions of Great Britain and Hanover are distinct and independent on each other, has often been asserted, and asserted with truth; and I hope those who so studiously separate their interest on all other occasions, will not now unite them only to reflect maliciously on the conduct of his majesty.

I do not, indeed, charge any lord with a design so malignant and unjust; having already asserted it as my opinion, that these reproaches were produced only by ignorance of the true state of the affair, but cannot with equal readiness allow that ignorance to be wholly blameless.

It is necessary, my lords, in common life, to every man who would avoid contempt and ridicule, to refrain from speaking, at least from speaking with confidence, on subjects with which he has not made himself sufficiently acquainted. This caution, my lords, is more necessary when his discourse tends to the accusation or reproach of another, because he can then only escape contempt himself by bringing it, perhaps unjustly, on him whom he condemns. It is more necessary still to him

* Lord Harrington was abroad with the king when this Treaty was concluded.



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who speaks in the public council of the nation, and who may by false reflections injure the public interest, and is yet more indispensably required in him who assumes the province of examining the conduct of his sovereign.

The Earl of *Ilay:*

My lords; it appears that all those who have spoke on either side of the present question, however they may generally differ in their opinions, agree at least in one assertion, that the time which is spent in this debate might be far more usefully employed, and that we in some degree desert the great cause of liberty, by giving way to trifling altercations.

This, indeed, is an argument of equal force for a concession on either side; but as, in affairs of such importance, no man ought to act in a manner contrary to the convictions of his own reason, it cannot be expected that we should be unanimous in our opinion, or that the dispute should be determined otherwise than by the vote.

I have, indeed, heard no arguments against the motion, which require long consideration; for little of what has been urged, has in my opinion been very nearly connected with the question before us, which is not whether the ministers have pursued or neglected the interest of the nation, whether the laws have been violated or observed, the war timorously or magnanimously conducted, or our negociations managed with dexterity or weakness, but whether we shall offer to his majesty the Address proposed.

In this Address, my lords, it has never yet been proved that any assertions are contained either false, or uncertain in themselves, or contrary to the dignity of this House; that any act of cowardice or treachery, any crime, or any error, will be secured by it from detection and from punishment.

That this, my lords, may appear more plainly, I move that the motion may be read; nor do I doubt but that the question will, by a closer examination, be speedily decided. The motion being again read,

Lord *Bathurst* rose and said:

My lords; I know not why the noble lord should expect, that by reading the motion, a more speedy determination of the question would be produced: for if the repeated consideration of it operates upon the minds of the lords that have opposed it in the same manner as upon mine, it will only confirm their opinion, and strengthen their resolution.

We are required, my lords, to join in an address of thanks to his majesty for his endeavours to maintain the balance of power; in an address, that implies a falsehood open and indisputable, and which will therefore only make us contemptible to our fellow subjects, our allies, and our enemies.

What is meant, my lords, by the balance of power, but such a distribution of dominion, as may keep the sovereign powers in mutual dread of each other, and by consequence preserve peace, such an equality of strength between one prince, or one confederacy, and another, that the hazard of war shall be nearly equal on each side? But which of your lordships will affirm, that this is now the state of Europe?

It is evident, my lords, that the French are far from imagining that there is now any power which can be put in the balance against their own, and therefore distribute kingdoms by caprice, and exalt emperors upon their own terms.

It is evident, that the continuance of the balance of power is not now to be perceived by its natural consequences, tranquillity and liberty; the whole continent is now in confusion, laid waste by the ravages of armies, subject to one sovereign to-day, and to-morrow to another; there is scarcely any place where the calamities of war are not felt or expected, and where property by consequence is not uncertain, and life itself in continual danger.

One happy corner of the world indeed is to be found, my lords, secured from rapine and massacre, for one year at least, by a well-timed neutrality, of which, on what terms it was obtained, I would gladly hear, and whether it was purchased at the expence of the honour of Great Britain, though the advantages of it are confined to Hanover.

But as I am not of opinion, my lords, that the balance of power is preserved by the security of Hanover; or that those territories, however important, will be able to furnish forces equivalent to the power of France, I cannot agree to promise in an address of this House to assist his majesty in maintaining the balance of power, though I shall cheerfully give my concurrence in every just and vigorous effort to restore it.

But as it may be urged, that any direct expressions of discontent may be too wide a deviation from the common forms, which for a long time have admitted nothing but

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submission and adulation, I shall only venture to propose, that we may at least contract our Address, that if we do not in plain language declare all our sentiments, we may however affirm nothing that we do not think; and I am confident, that all the praises which can be justly bestowed on the late measures, may be comprised in a very few words.

It has been insinuated, that this change of our stile may perhaps surprise his majesty, and raise in him some suspicions of discontent and disapprobation; that it may incline him to believe his measures, either not understood by us, or not applauded, and divert him from his present schemes by the necessity of an enquiry into the reasons of our dislike.

And for what other purpose, my lords, should such a change of our stile be proposed? Why should we deny on this occasion the encomiastic language which has been of late so profusely bestowed, but to show that we think this time too dangerous for flattery, and the measures now pursued such as none but the most abject flatterers can commend?

I should hope, that if it be asked by his majesty to what cause it is to be imputed, that the Address of this House is so much contracted, there should be found some amongst us honest enough to answer, that all which can be said with truth is contained in it, and that flattery and falsehood were not consistent with the dignity of the lords of Britain.

I hope, my lords, some one amongst us would explain to his majesty the decency as well as the integrity of our conduct, and inform him that we have hinted our discontent in the most respectful manner; and where there was sufficient room for the loudest censure, have satisfied ourselves with modest silence, with a mere negation of applause.

Should we, my lords, in opposition to the complaints of our countrymen, to the representations of our allies, and all the conviction which our reason can admit, or our senses produce, continue to act this farce of approbation, what can his majesty conceive, but that those measures which we applaud, ought to be prosecuted as the most effectual and safe? And what consequence but total ruin can arise from the prosecution of measures by which we are already reduced to penury and contempt?

The Earl of *Cholmondeley:*

My lords; it is never without grief and wonder that I hear any suspicion insinuated of injustice or impropriety in his majesty's measures, of whose wisdom and goodness I have so much knowledge, as to affirm with the utmost confidence, that he is better acquainted than any lord in this House with the present state of Europe; so that he is more able to judge by what methods tranquillity may be re-established; and that he pursues the best methods with the utmost purity of intention, and the most incessant diligence and application.

That the justest intentions may be sometimes defeated, and the wisest endeavours fail of success, I shall readily grant; but it will not follow that we ought not to acknowledge that wisdom and integrity which is exerted in the prosecution of our interest, or that we ought not to be grateful for the benefits which were sincerely intended, though not actually received.

The wisdom of his majesty's counsels, my lords, is not sufficiently admired, because the difficulties which he has to encounter are not known, or not observed. Upon his majesty, my lords, lies the task of teaching the powers of the continent to prefer their real to their seeming interest, and to disregard, for the sake of distant happiness, immediate acquisitions and certain advantages. His majesty is endeavouring to unite in the support of the Pragmatic Sanction those powers whose dominions will be enlarged by the violation of it, and whom France bribes to her interest with the spoils of Austria; and who can wonder that success is not easy in attempts like this?

In such measures we ought doubtless to endeavour to animate his majesty, by an address at least not less expressive of duty and respect than those which he has been accustomed to receive; and therefore I shall concur with the noble lords who made and supported the motion.

Then the question being put for agreeing to the Address as proposed by the earl of Malton, it passed in the affirmative: Content, 88. Not Content, 43.

*The Lords' Address of Thanks.*] The Address was as follows:

"Most gracious sovereign;

"We your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your majesty our humble thanks for your most gracious Speech from the throne, and, at the same time, to present unto your majesty our sincere and joyful

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congratulations on your safe and happy return into this kingdom.

"The just and necessary war in which your majesty is engaged against the crown of Spain, is of such high importance to the trade and navigation of your subjects, and to the welfare of your kingdom, that it is with the utmost thankfulness we observe the great concern which your majesty has been pleased to express for carrying it on; which we hope, by the divine blessing upon your majesty's arms, will be attended with success equal to the justice of your cause, and the ardent wishes of your people.

"Your majesty has so truly represented the impending dangers to which Europe is exposed, in the present critical conjuncture, as must awaken, in every one, an attention suitable to the occasion: and we cannot but be fully sensible of the evil consequences arising from the designs and enterprizes, formed and carrying on for the subversion or reduction of the House of Austria, which threaten such apparent mischiefs to the common cause.

"In this situation it becomes us with hearts full of gratitude to your majesty, to acknowledge your royal goodness in expressing so earnest a desire to receive, and so high a regard for, the advice of your parliament: your majesty, secure of the loyalty and affections of your people, may rely upon that, with the best grounded confidence; and we beg leave to assure your majesty, that we will not fail to take the important points, which you have been pleased to mention to us, into our most serious consideration; and, in the most dutiful manner, to offer to your majesty such advice as shall appear to us to be most conducive to the honour and true interest of your crown and kingdoms.

"We have a due sense how much the present posture of affairs calls upon us, for that unanimity, vigour, and dispatch, which your majesty has so wisely recommended to us; and we do most unfeignedly give your majesty the strongest assurances, that we will vigorously and heartily concur in all just and necessary measures for the defence and support of your majesty, the maintenance of the balance and liberties of Europe, and the assistance of our allies.

"As duty and affection to your majesty are, in us, fixed and unalterable principles, so we feel the impressions of them, at this time, so strong and lively in our breasts, that we cannot omit to lay hold on this opportunity of approaching your royal presence, to renew the most sincere professions of our constant and inviolable fidelity: and we do with a zeal and firmness, never to be shaken, promise your majesty, that we will, at the hazard of all that is dear to us, exert ourselves for the defence and preservation of your sacred person and government, and the maintenance of the Protestant succession in your royal house, on which the continuance of the Protestant religion, and the liberties of Great Britain, doth, under God, depend."

*The King's Answer.*] His majesty gave this Answer:

"My lords;

"I heartily thank you for this very loyal and dutiful Address. The zeal which you have declared for my defence and support, and for the maintenance of the liberties of Europe, and the assistance of our allies, gives me great satisfaction. You may depend upon my constant regard to the advice of my parliament, and my steady adherence to the true interest of my crown and kingdoms."

*Debate in the Commons on the Address of Thanks.**] December 8. The Speaker having reported the King's Speech,

Mr. *Henry Arthur Herbert*† rose and said:

Sir; to address the throne on the present occasion, is a custom, which, as it is founded on reason and decency, has always been observed by the Commons of Great Britain; nor do I suspect this House of any intention to omit those forms of respect to his majesty, which our ancestors always paid even under princes whose conduct and designs gave them no claim to reverence or gratitude.

To continue therefore, Sir, a practice which the nature of government itself makes necessary, and which cannot but be acknowledged to be in a peculiar degree proper under a prince, whose personal virtues are so generally known, I hope for the indulgence of this House in the liberty which I shall take of proposing an Address to this effect:

"To return his majesty the Thanks of this House for his most gracious Speech from the throne, and to congratulate his majesty upon his safe and happy return

* From the Gentleman's Magazine: compiled by Dr. Johnson.

† Afterwards Earl of Powis.



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into this kingdom; to express our dutiful acknowledgments to his majesty for his royal care in the prosecution of the war against Spain, and his paternal concern for the public welfare, in the present perilous and perplexed situation, and posture of affairs in Europe; and to assure his majesty, that as great variety of incidents, of the greatest importance and consequence, have happened during the course of the last year, this House, with hearts full of duty, and gratitude to his majesty, and touched with a just sense of the impending dangers, will, as often as these momentous affairs shall come under their consideration, give his majesty such advice as becomes dutiful and faithful subjects, and such support and assistance as shall be most conducive to the honour and true interest of his majesty's crown and kingdoms, and to the maintaining of the balance and liberties of Europe; and that, in order to answer these great and necessary purposes, this House will grant to his majesty such effectual supplies, as shall enable his majesty to be in a readiness to support and assist his friends, and allies, at such times, and in such manner, as the exigency, and circumstances of affairs shall require; and to defeat any attempts that shall be made against his majesty, or against those who, being equally engaged with his majesty, by the faith of treaties, or united by common interest, shall, from a just sense of the common and approaching danger, be willing to concert such measures as, in this critical conjuncture, shall be found necessary and expedient."

Mr. *Trevor:*

Sir; as the necessity of an Address to his majesty cannot be disputed, the only question on this occasion must be, whether the Address now proposed be such as it may become this House to offer in the present conjuncture of affairs.

In an address, Sir, it is necessary to preserve at once the respect due to our sovereign, and the dignity which may justly be assumed by the representatives of the people of Great Britain, a people whose birthright gives them a claim to approach their sovereign, not indeed without the utmost respect, but with language, which absolute monarchs never hear from the slaves by whom they are surrounded.

This respect and dignity appear to me to be very happily united in the Address now proposed, in which we join with our professions of duty, our offers of advice, and assert our claim to the direction of the national expences by our promise to grant the necessary Supplies.

As there cannot therefore in my opinion, Sir, be any thing added to the Address now offered, and there appears to me no necessity of any alteration or omission, I second the motion.

Lord *Noel Somerset:**

Sir; though I am far from intending to lessen, by trifling objections, the zeal which the hon. gentleman who proposed the Address has shewn for promoting the public business, yet, as it is very inconsistent with the duty of a member of this House to prefer civility to truth, and the sacrifice to ceremony or complaisance to interest of his country, I think it necessary to declare my opinion, that though the Address proposed may admit of many amendments, which I leave to other gentlemen to make, I think the addition of one Clause absolutely necessary; That his majesty may be desired not to engage this nation in a war for the preservation of his foreign dominions: dominions which, as they are in themselves independent on the crown of Great Britain, and governed by different laws and a different right, have been separated by an express clause from these kingdoms, in the act† to which his majesty owes his title to the throne.

This request, Sir, is at this time particularly expedient when the continent is in confusion, and the territories of Hanover

* "Lord Noel Somerset, afterwards duke of Beaufort, since the death of sir William Wyndham, which had happened about twelve months before, was considered as the rising head of the Tory interest. He was a man of sense, spirit, and activity, unblameable in his morals, but questionable in his political capacity. Had he confined himself to a plausible and a constitutional opposition, he would have been a very dangerous opponent to the minister. But it was thought, not without some appearance of reason, that his views went farther, and this disabled him from being of service to any party who durst avow their principles." Tindal.

† By the act 12 Will. 3, c. 2. 'For the 'further limitation of the crown, and the 'better securing the rights and liberties of the 'subject,' it is enacted, "That in case the crown should come to any person, not being a native of England, this nation shall not be obliged to war for defence of dominions not belonging to the crown of England."

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are endangered by the approach of the French forces. Besides, as nothing is more fatal than groundless expectations of assistance, it may contribute to the safety of that people, to shew them that they are to depend upon their own strength, to call their forces together, to fortify their towns, and guard their avenues; and that, if they sit indolent and careless, in confidence that the power of Great Britain will be employed in their defence, they will only give their enemies an easy conquest, and enslave themselves and their posterity to a foreign power: I move therefore that his majesty be desired in our Address, "not to engage these kingdoms in a war for the preservation of his foreign dominions."

Mr. *Shippen:*

Sir; I know not with what success I may assert, in this House, positions, for which I have formerly been censured,* and which few other members have hitherto maintained; but I rise with confidence that I shall be at least acknowledged to act consistently with myself in seconding the noble person who spoke last; and I am convinced, that many of those who differ from me in opinion, would gladly be able to boast of resembling me in congruity of principles, and steadiness of conduct.

But steadiness, Sir, is the effect only of integrity, and congruity the consequence of conviction: he that speaks always what he thinks, and endeavours by diligent enquiry to think aright before he ventures to declare his sentiments; he that follows, in his searches, no leader but reason, nor expects any reward from them but the advantage of discovering truth, and the pleasure of communicating it, will not easily change his opinion, because it will seldom be easy to show that he who has honestly enquired after truth, has failed to attain it.

For my part, I am not ashamed nor afraid to affirm, that thirty years have made no change in any of my political opinions; I am now grown old in this House, but that experience which is the consequence of age, has only confirmed the principles with which I entered it many years ago; time has verified the predictions which I formerly uttered, and I have seen my conjectures ripened into knowledge.

I should be therefore without excuse if either terror could affright, or the hope of advantage allure me from the declaration of my opinions; opinions which I was not deterred from asserting, when the prospect of a longer life than I can now expect might have added to the temptations of ambition, or aggravated the terrors of poverty and disgrace; opinions for which I would willingly have suffered the severest censures, even when I had espoused them only in compliance with reason, without the infallible certainty of experience.

Of truth it has been always observed, Sir, that every day adds to its establishment, and that falshoods, however specious, however supported by power, or established by confederacies, are unable to stand before the stroke of time. Against the inconveniencies and vexations of long life, may be set the pleasure of discovering truth, perhaps the only pleasure that age affords. Nor is it a slight satisfaction to a man not utterly infatuated or depraved, to find opportunities of rectifying his notions, and regulating his conduct by new lights.

But much greater is the happiness of that man to whom every day brings a new proof of the reasonableness of his former determinations, and who finds, by the most unerring test, that his life has been spent in promotion of doctrines beneficial to mankind. This, Sir, is the happiness which I now enjoy, and for which those who never shall attain it, must look for an equivalent in lucrative employments, honorary titles, pompous equipages, and splendid palaces.

These, Sir, are the advantages which are to be gained by a seasonable variation of principles, and by a ready compliance with the prevailing fashion of opinions; advantages which I indeed cannot envy when they are purchased at so high a price, but of which age and observation has too frequently shown me the unbounded influence; and to which I cannot deny that I have always ascribed the instability of conduct, and inconsistency of assertions, which I have discovered in many men, whose abilities I have no reason to depreciate, and of whom I cannot but believe they would easily distinguish truth, were not falshood recommended to them by the ornaments of wealth.

If there are in this new House of Commons any men devoted to their private interest, any who prefer the gratification of

* See Vol. 7, p. 511.

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their passions to the safety and happiness of their country, who can riot without remorse in the plunder of their constituents, who can forget the anguish of guilt in the noise of a feast, the pomp of a drawing-room, or the arms of a strumpet, and think expensive wickedness and the gaieties of folly equivalent to the fair fame of fidelity and the peace of virtue, to them I shall speak to no purpose; for I am far from imagining any power in my language to gain those to truth who have resigned their hearts to avarice or ambition, or to prevail upon men to change opinions, which they have indeed never believed, though they are hired to assert them. There is a degree of wickedness which reproof or argument cannot reclaim, as there is a degree of stupidity which instruction cannot enlighten.

If my country, Sir, has been so unfortunate as once more to commit her interest to those who propose to themselves no advantage from their trust, but that of selling it, I may perhaps fall once more under censure for declaring my opinion, and be once more treated as a criminal for asserting what they who punish me cannot deny; for maintaining the inconsistency of Hanoverian maxims with the happiness of this nation, and for preserving the caution which was so strongly inculcated by the patriots that drew up the Act of Settlement, and gave the present royal family their title to the throne.

These men, Sir, whose wisdom cannot be disputed, and whose zeal for his majesty's family was equal to their knowledge, thought it requisite to provide some security against the prejudices of birth and education. They were far from imagining, that they were calling to the throne a race of beings exalted above the frailties of humanity, or exempted by any peculiar privileges from error or from ignorance.

They knew that every man was habitually, if not naturally, fond of his own nation, and that he was inclined to enrich it and defend it at the expence of another, even, perhaps, of that to which he is indebted for much higher degrees of greatness, wealth and power; for every thing which makes one state of life preferable to another; and which therefore, if reason could prevail over prejudice, and every action were regulated by strict justice, might claim more regard than that corner of the earth in which he only happened to be born.

They knew, Sir, that confidence was not always returned, that we most willingly trust those whom we have longest known, and caress those with most fondness, whose inclinations we find by experience to correspond with our own, without regard to particular circumstances which may entitle others to greater regard, or higher degrees of credit, or of kindness.

Against these prejudices, which their sagacity enabled them to foresee, their integrity incited them to secure us, by provisions which every man then thought equitable and wise, because no man was then hired to espouse a contrary opinion.

To obviate the disposition which a foreign race of princes might have to trust their original subjects, it was enacted, That none of them should be capable of any place of trust or profit in these kingdoms. And to hinder our monarchs from transferring the revenues of Great Britain to Hanover, and enriching it with the commerce of our traders, and the labours of our husbandmen; from raising taxes to augment the splendour of a petty court, and encreasing the garrisons of their mountains by misapplying that money which this nation should raise for its own defence, it was provided, That the king of Great Britain should never return to his native dominions, but reside always in this kingdom, without any other care than that of gaining the affections of his British subjects, preserving their rights, and increasing their power.*

It was imagined by that parliament that the electorate of Hanover, a subordinate dignity held by custom of homage to a greater power, ought to be thought below the regard of the king of Great Britain, and that the sovereign of a nation like this ought to remember a lower state only to heighten his gratitude to the people by whom he was exalted. They were far from imagining that Great Britain and Hanover would in time be considered as of equal importance, and that their sovereign would divide his years between one country and the other, and please himself with exhibiting in Hanover the annual show of the pomp and dignity of a king of Great Britain.

* By the before cited Statute it is enacted, "That no person who shall hereafter come to the possession of this crown, shall go out of the dominions of England, Scotland, or Ireland without consent of parliament."

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This clause, Sir, however, a later parliament readily repealed;* upon what motives I am not able to declare, having never heard the arguments which prevailed upon their predecessors to enact it, confuted or invalidated; nor have I found that the event has produced any justification of their conduct, or that the nation has received any remarkable advantage from our royal expeditions.

There is another clause in that important Act which parliament has not yet adventured to repeal, by which it is provided, That this nation shall not be engaged in war for the defence of the Hanoverian dominions; dominions of which we can have no interest in the protection or preservation; dominions perhaps of no great value into whatever hands chance and negligence may throw them, which their situation has made entirely useless to a naval power; but which, though they cannot benefit, may injure us, by diverting the attention of our sovereign, or withholding his affections.

Whether this clause, Sir, has not sometimes been eluded, whether the 6,000 Hessians which we supported were of use to any of the British dominions, and whether a double number of the same nation, now paid with our money for the defence of the queen of Hungary, have not been stationed only where they might defend Hanover, without the least advantage to our confederates, whether the nation has not been condemned to double expences in the support of this alliance, by raising for the queen's service troops which were only employed in the protection of Hanover, and then in succouring her with pecuniary supplies, it is perhaps at present unnecessary, though I hope not yet too late, to enquire.

It is at present unnecessary, because the clause which is proposed cannot be denied to be equally proper, whether the Act of Settlement has been hitherto observed or violated; for the violation of it ought to engage us in some measures that may secure us for the future from the like injury; and the observation of it is a manifest proof how much it is approved by all parties, since in so many deviations from this settlement, and an inconstancy of conduct of which an example is scarcely to be found, this law has been esteemed sacred, the bulwark of our rights, and the boundary which the sovereign power has not dared to overleap.

As his majesty, Sir, has in a very solemn manner called upon us for our advice and assistance, what can be more proper than to lay before him our opinion on this important question? War is next to slavery one of the greatest calamities, and an unnecessary war therefore the greatest error of government, an error which cannot be too cautiously obviated, or too speedily reformed.

If we consider, Sir, the present state of the continent, there is nothing more probable than that the subjects of the elector of Hanover may solicit the assistance of the king of Great Britain, and therefore it is necessary to inform them, that their solicitations will be vain. If we enquire into the suspicions of our fellow-subjects, we shall find them generally disturbed with fears that they shall be sacrificed to the security of foreign dominions, and therefore it is necessary to recal their affection to his majesty where it is impaired, and confirm their confidence where it has been hitherto preserved, by showing in the most public manner, how vainly they have been disquieted, and how grossly they have been mistaken.

It is certainly our duty, Sir, to give such advice as may most truly inform his majesty of the sentiments of his people, and most effectually establish in the people an adherence to his majesty; as it is certain that no advice will be seconded by greater numbers than that which is proposed, nor can his majesty by any act of goodness so much endear his government, as by a ready promise to this nation of an exemption from any war in defence of Hanover.

I hope, Sir, it will not be objected, that by such request a suspicion will be insinuated of designs detrimental to the British nation, and repugnant to the conditions on which his majesty ascended the throne, because an objection of equal force may rise against any advice whatever that shall be offered by parliament.

It may be always urged, Sir, that to recommend any measures, is to suppose that they would not have been suggested to his majesty by his own wisdom, and by consequence that he is defective either in knowledge or in goodness, that he either mistakes or neglects the interest of his people.

Thus, Sir, may the most laudable conduct be charged with sedition, and the most awful regard be accused of disrespect, by forced consequences, and exaggerated language; thus may parliaments become

* See Vol. 7, p. 380.

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useless, lest they should appear to be wiser than their sovereign, and the sovereign be condemned to act only by the information of servile ministers, because no public advice can safely be given him.

That kings must act upon the information of others, that they can see little with their own eyes through the mists which flattery is continually employed in raising before them, and that they are therefore most happy who have, by the constitution of the country which they govern, an opportunity of knowing the opinions of their people without disguise, has yet never been denied by any who do not separate the interest of the king from that of the people, and leave mankind no political distinction but that of tyrants and slaves.

This, Sir, is the happiness of the king of Great Britain beyond other monarchs, an advantage by which he may be always enabled to contemplate the happy and flourishing state of his subjects, and to receive the blessings and acclamations of millions that owe to his care their wealth and their security.

Of this advantage he cannot be deprived, but by the cowardice or the treachery of those men who are delegated by the people, as the guardians of their liberties; and surely it requires no uncommon penetration to discover, that no act of treason can be equal in malignity to that perfidy which deprives the king of the affections of his subjects, by concealing from him their sentiments and petitions. He that makes his monarch hated, must undoubtedly make him unhappy; and he that destroys his happiness, might more innocently take away his life.

To exempt myself therefore from such guilt, to discharge the trust conferred on me by my country, and to perform the duty which I owe to my king, I stand up to second this motion.

Mr. *Gybbon:*

Sir; as it is not easy to remember all the parts of an Address by only once hearing it, and hearing it in a form different from that in which it is to be presented, I think it necessary to a more accurate consideration of it, that it should be read distinctly to the House. We may otherwise waste our time in debates, to which only our own forgetfulness gives occasion; we may raise objections without reason, and propose Amendments where there is no defect. [The Address was accordingly read, and Mr. Gybbon proceeded.]

Having now heard the Address, I find by experience the propriety of my proposal, having remarked a Clause, which, in my opinion, is necessary to be amended, and which I had not observed when it was repeated before.

It is well known, that the speeches from the throne, though pronounced by the king, are always considered as the compositions of the ministry, upon whom any false assertions would be charged, as the informers and counsellors of the crown.

It is well known, likewise, that whenever this House returns thanks to the king for any measures that have been pursued, those measures are supposed to be approved by them; and that approbation may be pleaded by the minister in his defence, whenever he shall be required to answer for the event of his counsels.

It is therefore, in my opinion, extremely unreasonable to propose, that "thanks should be returned to his majesty for his royal care in prosecuting the war against Spain;" for what has been the consequence of that care, for which our thanks are to be with so much solemnity returned, but defeats, disgrace and losses, the ruin of our merchants, the imprisonment of our sailors, idle shows of armaments, and useless expences?

What are the events which are to be recorded in an impartial account of this war; a war provoked by so long a train of insults and injuries, and carried on with so apparent an inequality of forces? Have we destroyed the fleets of our enemies, fired their towns, and laid their fortresses in ruins? Have we conquered their colonies, and plundered their cities, and reduced them to a necessity of receding from their unjust claims, and repaying the plunder of our merchants? Are their ambassadors now soliciting peace at the court of Great Britain, or applying to the neighbouring princes to moderate the resentment of their victorious enemies?

I am afraid that the effects of our preparations, however formidable, are very different; they have only raised discontent among our countrymen, and contempt among our enemies. We have shown that we are strong indeed, but that our force is made ineffectual by our cowardice; that when we threaten most loudly, we perform nothing; that we draw our swords but to brandish them, and only wait an opportunity to sheath them in such a manner, as not plainly to confess that we dare not strike.

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If we consider, therefore, what effect our thanks for conduct like this must naturally produce, it will appear that they can only encourage our enemies, and dispirit our fellow-subjects. It will be imagined that the Spaniards are a powerful nation, which it was the highest degree of temerity to attack; a nation by whom it is honour sufficient not to be overcome, and from whom we cannot be defended without the most vigilant caution, and the most extensive knowledge both of politics and war.

It will readily be perceived by the proud Spaniards, that it is only necessary to prosecute their views a little longer, to intimidate us with new demands, and amuse us with new preparations; and that we, who are always satisfied with our success, shall soon be weary of a war, from which it is plain that we never expected any advantage, and therefore shall in a short time willingly receive such terms as our conquerors will grant us.

It is always to be remembered how much all human affairs depend upon opinion, how often reputation supplies the want of real power, by making those afraid who cannot be hurt, and by producing confidence where there is no superiority. The opinion of which the parliament ought to endeavour the promotion, is confidence in their steadiness, honesty, and wisdom; confidence which will not be much advanced by an address of thanks for the conduct of the war against Spain.

How justly may it be asked, when this Address is spread over the world, what were the views with which the parliament of Great Britain petitioned their sovereign to declare war against Spain!

If their design was, as they then asserted, to procure security for the commerce of America, and reparation for the injuries which their merchants had received, by what fluctuation of counsels, by what prevalence of new opinions, have they now abandoned it? For that they have no longer the same intentions, that they now no more either propose security, or demand recompence, is evident; since, though they have obtained neither, yet are they thankful for the conduct of the war.

To what can this apparent instability be imputed, but to the want either of wisdom to balance their own power with that of their enemies, and discern the true interest of their country, or to a mean compliance with the clamours of the people, to whom they durst not refuse the appearance of a war, though they had no expectation of honour or success?

But in far other terms, Sir, will the Spaniards speak of the Address which is now proposed. "Behold," say our boasting enemies, "the spirit and wisdom of that assembly, whose counsels hold the continent in suspense, and whose determinations change the fate of kingdoms; whose vote transfers sovereignty, covers the ocean with fleets, prescribes the operation of distant wars, and fixes the balance of the world: behold them amused with idle preparations, levying money for mockeries of war, and returning thanks for the pleasure of the show: behold them looking with wonderful tranquillity on the loss of a great number of their ships, which have been seized upon their own coasts by our privateers, and congratulating themselves and their monarch, that any have been preserved. How great would have been the exultation, and how loud the applauses, had they succeeded in any of their designs; had they obstructed the departure of our fleets, or hindered our descent upon the dominions of the queen of Hungary; had they confined our privateers in our harbours, defeated any of our troops, or over-run any of our colonies? In what terms would they have expressed their gratitude for victory, who are thus thankful for disappointments and disgrace?"

Such, Sir, must be the remarks of our enemies upon an Address like that which is now proposed; remarks which we and our allies must be condemned to hear, without attempting a reply. For what can be urged to extenuate the ridicule of returning thanks where we ought either to express resentment, offer consolations and propose the means of better success, or cover our grief and shame with perpetual silence?

When it shall be told in foreign nations, that the parliament of Great Britain had returned thanks for the escape of the Spaniards from Ferrol, their uninterrupted expedition to Italy, the embarrassment of their own trade, the captivity of their sailors, and the destruction of their troops, what can they conclude, but that the parliament of Great Britain is a collection of madmen, whom madmen have deputed to transact the public affairs? And what must be the influence of such a people, and such a parliament, will be easily conceived.

If I have given way, Sir, in these obser-



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vations, to any wanton hyperbole, or exaggerated assertions, they will, I hope, be pardoned by those who shall reflect upon the real absurdity of the proposal which I am endeavouring to show in its true state, and by all who shall consider, that to return thanks for the management of the war, is to return thanks for the carnage of Carthagena, for the ruin of our merchants, for the loss of our reputation, and for the exaltation of the House of Bourbon.

I hope no man will be so unjust, or can be so ignorant, as to insinuate or believe, that I impute any part of our miscarriages to the personal conduct of his majesty, or that I think his majesty's concern for the prosperity of his people unworthy of the warmest and sincerest gratitude. If the Address were confined to the inspection of our sovereign alone, I should be very far from censuring or ridiculing it; for his majesty has not the event of war in his power, nor can confer upon his ministers or generals that knowledge which they have neglected to acquire, or that capacity which nature has denied them. He may perform more than we have a right to expect, and yet be unsuccessful; he may deserve the utmost gratitude, even when, by the misconduct of his servants, the nation is distressed.

But, Sir, in drawing up an Address, we should remember that we are declaring our sentiments not only to his majesty, but to all Europe; to our allies, our enemies, and our posterity; that this Address will be understood like all others; that thanks offered in this manner by custom, signify approbation; and that therefore we must at present repress our gratitude, because it can only bring into contempt our sovereign and ourselves.

Sir *Robert Walpole*:

Sir; I am very far from thinking that the war against Spain has been so unsuccessful as some gentlemen have represented it; that the losses which we have suffered have been more frequent than we had reason to expect from the situation of our enemies, and the course of our trade; or our defeats, such as the common chance of war does not often produce, even when the inequality of the contending powers is incontestable, and the ultimate event as near to certainty, as the nature of human affairs ever can admit.

Nor am I convinced, Sir, even though it should be allowed that no exaggeration had been made of our miscarriages, that the impropriety of an address of thanks to his majesty, for his regal care in the management of the war, is gross or flagrant. For if it be allowed that his majesty may be innocent of all the misconduct that has produced our defeats, that he may have formed schemes wisely, which were unskilfully prosecuted; that even valour and knowledge concurring, will not always obtain success; and that therefore some losses may be suffered, and some defeats received, though not only his majesty gave the wisest direction, but his officers executed them with the utmost diligence and fidelity; how will it appear from our ill success, that our sovereign does not deserve our gratitude? And if it shall appear to us that our thanks are merited, who shall restrain us from offering them in the most public and solemn manner?

For my part, I think no consideration worthy of regard in competition with truth and justice; and therefore shall never forbear any expression of duty to my sovereign, for fear of the ridicule of our secret, or the reproaches of our public enemies.

With regard to the Address under our consideration, if it be allowed either that we have not been unsuccessful in any opprobrious degree, or that ill success does not necessarily imply any defect in the conduct of his majesty, or debar us from the right of acknowledging his goodness and his wisdom, I think, Sir, no objection can be made to the form of expression now proposed, in which all sounding and pompous language, all declamatory exaggeration and studied figures of speech, all appearance of exultation, and all the farce of rhetoric, are carefully avoided, and nothing inserted that may disgust the most delicate, or raise scruples in the most sincere.

Yet, Sir, that we may not waste our time upon trivial disputes, when the nation expects relief from our counsels, that we may not suspend the prosecution of the war by complaints of past defeats, or retard that assistance and advice which our sovereign demands, by enquiring whether it may be more proper to thank or to counsel him, I am willing, for the sake of unanimity, that this Clause should be omitted; and hope that no other part of the Address can give any opportunity for criticism, or for objections.

Mr. *Pulteney*:

Sir; it is no wonder that the right hon. gentleman willingly consents to the omis-

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sion of this clause, which could be inserted for no other purpose than that he might sacrifice it to the resentment which it must naturally produce; and by an appearance of modesty and compliance, pass easily through the first day, and obviate any severe enquiries that might be designed.

He is too well acquainted with the opinion of many whom the nation has chosen to represent them, and with the universal clamours of the people, too accurately informed of the state of our enemies, and too conscious how much his secret machinations have hindered our success, to expect or hope that we should meet here to return thanks for the management of the war; of a war in which nothing has been attempted by his direction that was likely to succeed, and in which no advantage has been gained, but by acting without orders, and against his hopes.

That I do not charge him, Sir, without reason, or invent accusations only to obstruct his measures, or to gratify my own resentment; that I do not eagerly catch flying calumnies, prolong the date of casual reproaches, encourage the malignity of the envious, or adopt the suspicions of the melancholy; that I do not impose upon myself by a warm imagination, and endeavour to communicate to others impressions which I have only received myself from prejudice and malignity, will be proved from the review of his conduct since the beginning of our dispute with Spain, in which it will be found that he has been guilty not of single errors, but of deliberate treachery; that he has always co-operated with our enemies, and sacrificed to his private interest the happiness and the honour of the British nation.

How long our merchants were plundered, our sailors enslaved, and our colonies intimidated, without resentment; how long the Spaniards usurped the dominion of the seas, searched our ships at pleasure, confiscated the cargoes without controul, and tortured our fellow-subjects with impunity, cannot but be remembered. Not only every gentleman in this House, but every man in the nation, however indolent, ignorant, or obscure, can tell what barbarities were exercised, what ravages were committed, what complaints were made, and how they were received. It is universally known that this gentleman, and those whom he has seduced by pensions and employments, treated the lamentations of ruined families, and the outcries of tortured Britons, as the clamours of sedition, and the murmurs of malignity suborned to inflame the people, and embarrass the government.

It is known, Sir, that our losses were at one time ridiculed as below the consideration of the legislature, and the distress of the most useful and honest part of mankind was made the subject of merriment and laughter; the awkward wit of all the hirelings of the town was exerted to divert the attention of the public, and all their art was employed to introduce other subjects into conversation, or to still the complaints which they heard with a timely jest.

But their wit was not more successful on this, than on other occasions; their imaginations were soon exhausted, and they found, as at other times, that they must have recourse to new expedients. The first artifice of shallow courtiers is to elude with promises those complaints which they cannot confute, a practice that requires no understanding or knowledge, and therefore has been generally followed by the administration. This artifice they quickly made use of, when they found that neither the merchants nor the nation were to be silenced by an affectation of negligence, or the sallies of mirth; that it was no longer safe to jest upon the miseries of their countrymen, the destruction of our trade, and the violation of our rights: they condescended therefore to some appearances of compassion, and promised to exert all their influence to procure redress and security.

That they might not appear, Sir, to have made this promise only to free themselves from present importunity, they set negociations on foot, dispatched memorials, remonstrances, propositions, and computations; and with an air of gravity and importance, assembled at proper times to peruse the intelligence which they received, and to concert new instructions for their agents.

While this farce was acted, Sir, innumerable artifices were made use of to reconcile the nation to suspense and delay. Sometimes the distance of the Spanish dominions in America retarded the decision of our claims. Sometimes the dilatory disposition of the Spaniards, and the established methods of their courts, made it impossible to procure a more speedy determination. Sometimes orders were dispatched to America in favour of our trade,



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and sometimes those orders were neglected by the captains of the Spanish ships, and the governors of their provinces; and when it was enquired why those captains and governors were not punished or recalled, we were treated with contempt for not knowing what had been so lately told us of the dilatory proceedings of the Spanish courts.

In the mean time our merchants were plundered, and our sailors thrown into dungeons; our flag was insulted, and our navigation restrained, by men acting under the commission of the king of Spain; we perceived no effect of our negociations but the expence, and our enemies not only insisted on their former claims, but prosecuted them with the utmost rigour, insolence, and cruelty.

It must indeed, Sir, be urged in favour of our minister, that he did not refuse any act of submission, or omit any method of supplication, by which he might hope to soften the Spaniards; he solicited their favour at their own court, he sent commissaries into their country; he assisted them in taking possession of dominions, to which neither we nor they have proved a right; and he employed the navies of Great Britain to transport into Italy the prince on whom the new erected kingdom was to be conferred.

Well might he expect that the Spaniards would be softened by so much kindness and forbearance, and that gratitude would at length induce them to spare those whom no injuries or contempt had been able to alienate from them, and to allow those a free course through the American seas, to whom they had been indebted for an uninterrupted passage to the possession of a kingdom.

He might likewise urge, Sir, that when he was obliged to make war upon them, he was so tender of their interest, that the British admiral was sent out with orders rather to destroy his own fleet than the galleons, which in appearance he was sent to take, and to perish by the inclemency of the climate, rather than enter the Spanish ports, terrify their colonies, or plunder their towns.

But to little purpose, Sir, did our minister implore the compassion of the Spanish court, and represent the benefits by which we might claim it; for his compliance was by the subtle Spaniards attributed not to kindness, but to fear; and it was therefore determined to reduce him to absolute slavery, by the same practices which had already sunk him to so abject a state.

They therefore treated our remonstrances with contempt, continued their insolence and their oppressions, and while our agent was cringing at their court with fresh instructions in his hand, while he was hurrying with busy looks from one grandee to another, and perhaps dismissed without an audience one day, and sent back in the midst of his harangue on another, the guard-ships of the Spaniards continued their havoc, our merchants were ruined, and our sailors tortured.

At length, Sir, the nation was too much inflamed to be any longer amused with idle negociations, or trifling expedients; the streets echoed with the clamours of the populace, and this House was crowded with petitions from the merchants. The honourable person, with all his art, found himself unable any longer to elude a determination of this affair. Those whom he had hitherto persuaded that he had failed merely for want of abilities, began now to suspect that he had no desire of better success; and those who had hitherto cheerfully merited their pensions by an unshaken adherence to all his measures, who had extolled his wisdom and his integrity with all the confidence of security, began now to be shaken by the universality of the censures which the open support of perfidy brought upon them. They were afraid any longer to assert what they neither believed themselves, nor could persuade others to admit. The most indolent were alarmed, the most obstinate convinced, and the most profligate ashamed.

What could now be done, Sir, to gain a few months, to secure a short interval of quiet in which his agents might be employed to disseminate some new falshood, bribe to his party some new vindicators, or lull the people with the opiate of another expedient, with an account of concessions from the court of Spain, or a congress to compute the losses, and adjust the claims of our merchants?

Something was necessarily to be attempted, and orders were therefore dispatched by our minister, to his slave at the court of Spain, to procure some stipulations that might have, at least, the appearance of a step towards the conclusion of the debate. His agent obeyed him with his usual alacrity and address, and in time sent him, for the satisfaction of the British people, the celebrated Convention.

The Convention, Sir, has been so lately discussed, is so particularly remembered, and so universally condemned, that it

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would be an unjustifiable prodigality of time to expatiate upon it. There were but few in the last parliament, and I hope there are none in this, who did not see the meanness of suffering incontestable claims to be disputed by commissaries, the injustice of the demand which was made upon the South-Sea Company, and the contemptuous insolence of amusing us with the shadow of a stipulation, which was to vanish into nothing, unless we purchased a ratification of it, by paying what we did not owe.

The Convention therefore, Sir, was so far from pacifying, that it only exasperated the nation, and took from our minister the power of acting any longer openly in favour of the Spaniards; of whom it must be confessed, that their wisdom was overpowered by their pride, and that, for the sake of showing to all the powers of Europe the dependence in which they held the court of Great Britain, they took from their friends the power of serving them any longer, and made it unsafe for them to pay that submission to which they were inclined.

The Spaniards did not sufficiently distinguish between the nation and the ministry of Great Britain, nor suspected that their interests, inclinations, and opinions, were directly opposite; and that those who were caressed, feared, and reverenced by the ministry, were by the people hated, despised, and ridiculed.

By enslaving our ministry, they weakly imagined that they had conquered our nation; nor perhaps, Sir, would they quickly have discovered their mistake, had they used their victory with greater moderation, condescended to govern their new province with less rigour, and sent us laws in any other form than that of the Convention.

But the security which success excites, produced in them the same effects as it has often done in others, and destroyed in some degree the advantages of the conquest by which it was inspired. The last proof of their contempt of our sovereign and our nation, was too flagrant to be palliated, and too public not to be resented. The cries of the nation were redoubled, the solicitations of the merchants renewed, the absurdity of our past conduct exposed, the meanness of our forbearance reproached, and the necessity of more vigorous measures evidently proved.

The friends of Spain discovered, Sir, at length, that war was necessarily to be proclaimed, and that it would be no longer their interest to act in open opposition to justice and reason, to the policy of all ages, and remonstrances of the whole nation.

The minister, therefore, after long delays, after having run round the circle of all his artifices, and endeavouring to intimidate the nation by false representations of the power of our enemies, and the danger of an invasion from them, at length suffered war to be proclaimed, though not till he had taken all precautions that might disappoint us of success.

He knew that the state of the Spanish dominions exposed them in a particular manner to sudden incursions by small parties, and that in former wars against them, our chief advantage had been gained by the boldness and subtility of private adventurers, who by hovering over their coasts in small vessels, without raising the alarms which the sight of a royal navy necessarily produces, had discovered opportunities of landing unexpectedly, and entering their towns by surprise, of plundering their wealthy ships, or enriching themselves by ransoms and compositions; he knew what inconsiderable bodies of men, incited by private advantage, selected with care for particular expeditions, instructed by secret intelligence, and concealed by the smallness of their numbers, had found means to march up into the country through ways which would never have been attempted by regular forces, and have brought upon the Spaniards more terror and distress than could have been produced by a powerful army, however carefully disciplined, or however skilfully commanded.

It was therefore, Sir, his first care to secure his darling Spaniards from the pernicious designs of private adventurers; he knew not but some of queen Elizabeth's heroes might unfortunately revive, and terrify with an unexpected invasion the remotest corners of the Spanish colonies, or appear before their ports with her nimble sloops, and bid defiance to their navies and their garrisons. When therefore a Bill was introduced into this House,* by which encouragement was given to the subjects of this kingdom to fit out privateers, and by which those who should conquer any of the colonies of Spain, were

* A Bill 'For the more effectual securing and encouraging the trade of his Majesty's subjects to America,' brought in by Mr. Pulteney. See vol. 10, p. 812.

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confirmed in the possession of them for ever, it cannot be forgotten with what zeal he opposed, and with what steadiness he rejected it, though it is not possible to assign any disadvantage which could have been produced by passing it, and the utmost that could be urged against it was, that it was unnecessary and useless.

Having thus discouraged that method of war which was most to be dreaded by our enemies, and left them little to fear but from national forces and public preparations, his next care was to secure them from any destructive blow, by giving them time to equip their fleets, collect their forces, repair their fortifications, garrison their towns, and regulate their trade; for this purpose he delayed, as long as it was possible, the dispatch of our navies, embarrassed our levies of sailors by the violence of impresses, violence which proper encouragement and regulations might have made unnecessary, and suffered the privateers of the enemy to plunder our merchants without controul, under pretence that ships of war could not be stationed, nor convoys provided for their protection.

At length several fleets were fitted out, Vernon was sent to America, and Haddock into the Mediterranean, with what consequences it is well known, nor should I mention them at this time, had I not been awakened to the remembrance of them by a proposal of thanks for the conduct of the war.

The behaviour of the two admirals was very different; though it has not yet appeared but that their orders were the same. Vernon with six ships destroyed those fortifications, before which Hosier formerly perished in obedience to the commands of our ministry. How this success was received by the minister and his adherents, how much they were offended at the exultations of the populace, how evidently they appeared to consider it as a breach of their scheme, and a deviation from their directions, the whole nation can relate.

Nor is it to be forgotten, Sir, how invidiously the minister himself endeavoured to extenuate the honour of that action, by attempting to procure in the Address, which was on that occasion presented to his majesty, a suppression of the number of the ships with which he performed it.*

In the mean time, Sir, the nation expected accounts of the same kind from the Mediterranean, where Haddock was stationed with a very considerable force; but instead of relations of ports bombarded, and towns plundered, of navies destroyed, and villages laid in ashes, we were daily informed of the losses of our merchants, whose ships were taken almost within sight of our squadrons.

We had indeed, once the satisfaction of hearing that the fleet of Spain was confined in the port of Cadiz, unprovided with provisions, and it was rashly reported that means would either be found of destroying them in the harbour, or that they would be shut up in that unfruitful part of the country, till they should be obliged to disband their crews.

We therefore, Sir, bore with patience the daily havock of our trade, in expectation of the entire destruction of the royal navy of Spain, which would reduce them to despair of resistance, and compel them to implore peace. But while we were flattering ourselves with those pleasing dreams, we were awakened on a sudden with an astonishing account that the Spaniards had left Cadiz, and, without any interruption from the British fleet, were taking in provisions at Ferrol.

This disappointment of our expectations did indeed discourage us, but not deprive us of hope; we knew that the most politic are sometimes deceived, and that the most vigilant may sometimes relax their attention; we did not expect in our commanders any exemption from human errors, and required only that they should endeavour to repair their failures, and correct their mistakes; and therefore waited without clamour, in expectation that what was omitted at Cadiz would be performed at Ferrol.

But no sooner, Sir, had the Spaniards stored their fleet, than we were surprised with a revolution of affairs yet more wonderful. Haddock, instead of remaining before Ferrol, was drawn off by some chimerical alarm to protect Minorca, and the Spaniards in the mean time sailed away to America, in conjunction with the French squadron that had been for some time ready for the voyage.

If we consider the absurdity of this conduct, it cannot but be imagined that our minister must send Haddock false intelligence and treacherous directions on purpose that the Spanish fleet might escape without interruption. For how can it be conceived that the Spaniards could have formed any real design of besieging Port

* See Vol. 11, p. 578.



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Mahon? Was it probable that they would have sent an army in defenceless transports, into the jaws of the British fleet? and it was well known that they had no ships of war to protect them. It was not very agreeable to common policy to land an army upon an island, an island wholly destitute of provisions for their support, while an hostile navy was in possession of the sea, by which the fortress which their troops were destined to besiege might be daily supplied with necessaries, and the garrison augmented with new forces, while their army would be itself besieged in a barren island, without provisions, without recruits, without hope of succour or possibility of success.

But such was the solicitude of our admiral for the preservation of Minorca, that he abandoned his station, and suffered the Spaniards to join their confederates of France, and prosecute their voyage to America without hindrance or pursuit.

In America they remained for some time masters of the sea, and confined Vernon to the ports; but want of provisions obliging the French to return, no invasion of our colonies was attempted, nor any of those destructive measures pursued which we had reason to fear, and of which our minister, notwithstanding his wonderful sagacity, could not have foretold that they would have been defeated by an unexpected scarcity of victuals.

The Spaniards, however, gained by this expedient time to repair their fortifications, strengthen their garrisons, and dispose their forces in the most advantageous manner; and therefore, though they were not enabled to attack our dominions, had at least an opportunity of securing their own.

At length, Sir, lest it should be indisputably evident that our minister was in confederacy with the Spaniards, it was determined, that their American territories should be invaded; but care was taken to disappoint the success of the expedition by employing new raised troops, and officers without experience, and to make it burthensome to the nation by a double number of officers, of which no use could be discovered, but that of encreasing the influence, and multiplying the dependants, of the ministry.

It was not thought sufficient, Sir, to favour the designs of the Spaniards by the delay which the levy of new troops necessarily produced, and to encourage them by the probability of an easy resistance against raw forces; nor was the nation, in the opinion of the minister, punished for its rebellion against him with adequate severity, by being condemned to support a double number of troops. Some other methods were to be used for embarrassing our preparations and protracting the war.

The troops, therefore, Sir, being by the accident of a hard winter more speedily raised than it was reasonable to expect, were detained in this island for several months, upon trivial pretences; and were at length suffered to embark at a time when it was well known that they would have much more formidable enemies than the Spaniards to encounter; when the unhealthy season of the American climate must necessarily destroy them by thousands; when the air itself was poison, and to be wounded certainly death.

These were the hardships to which part of our fellow-subjects have been exposed by the tyranny of the minister; hardships which caution could not obviate, nor bravery surmount; they were sent to combat with nature, to encounter with the blasts of disease, and to make war against the elements. They were sent to feed the vultures of America, and to gratify the Spaniards with an easy conquest.

In the passage the general [lord Cathcart] died, and the command devolved upon a man who had never seen an enemy, and was therefore only a speculative warrior; an accident, which as it was not unlikely to happen, would have been provided against by any minister who wished for success. The melancholy event of this expedition I need not mention, it was such as might be reasonably expected; when our troops where sent out without discipline, without commanders, into a country where even the dews are fatal, against enemies informed of their approach, secured by fortifications, inured to the climate, well provided and skilfully commanded.

In the mean time, Sir, it is not to be forgotten what depredations were made upon our trading vessels, with what insolence ships of very little force approached our coasts, and seized our merchants in sight of our fortifications; it is not to be forgotten that the conduct of some of those who owed their revenues and power to the minister, gave yet stronger proofs of a combination.

It is not to be forgotten with what effrontery the losses of our merchants were ridiculed, with what contemptuous triumph

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of revenge they were charged with the guilt of this fatal war, and how publicly they were condemned to suffer for their folly.

For this reason, Sir, they were either denied the security of convoys, or forsaken in the most dangerous parts of the sea, by those to whose protection they were, in appearance, committed. For this reason, they were either hindered from engaging in their voyage by the loss of those men who were detained unactive in the ships of war, or deprived of their crews upon the high seas, or suffered to proceed only to become a prey to the Spaniards.

But it was not, Sir, a sufficient gratification of our implacable minister, that the merchants were distressed for alarming the nation; it was thought likewise necessary to punish the people for believing too easily the reports of the merchants, and to warn them for ever against daring to imagine themselves able to discern their own interest, or to prescribe other measures to the ministers, than they should be themselves inclined to pursue; our minister was resolved to show them, by a master-stroke, that it was in his power to disappoint their desires by seeming to comply, and to destroy their commerce and their happiness, by the very means by which they hoped to secure them.

For this purpose, Sir, did this great man summon all his politics together, and call to counsel all his confidants and all his dependants, and it was at length, after mature deliberation, determined by their united wisdom, to put more ships into commission, to aggravate the terrors of the impress by new violence and severity, to draw the sailors by the promise of large rewards from the service of the merchants, to collect a mighty fleet, and to dispatch it on a Secret Expedition.

A secret expedition, Sir, is a new term of ministerial art, a term which may have been perhaps formerly made use of by soldiers, for a design to be executed without giving the enemy an opportunity of providing for their defence; but is now used for a design with which the enemy is better acquainted than those to whom the execution of it is committed. A secret expedition is now an expedition of which every one knows the design, but those at whose expence it is undertaken. It is a kind of naval review, which excels those of the Park in magnificence and expence, but is equally useless, and equally ridiculous.

Upon these secret expeditions, however, were fixed for a long time the expectations of the people; they saw all the appearances of preparation for real war; they were informed, that the workmen in the docks were retained by uncommon wages to do double duty; they saw the most specious encouragement offered to the sailors; they saw naval stores accumulated with the utmost industry, heard of nothing but the proof of new cannon, and new contracts for provision; and how much reason soever they had to question the sincerity of the great man who had so long engrossed the management of all affairs, they did not imagine that he was yet so abandoned to levy forces only to exhaust their money, and equip fleets only to expose them to ridicule.

When therefore, Sir, after the usual delays, the papers had informed the people that the great fleet was sailed, they no longer doubted that the Spaniards were to be reduced to our own terms; they expected to be told in a few days, of the destruction of fleets, the demolition of castles, and the plunder of cities; and every one envied the fortune of those who, by being admitted into their formidable fleet, were entitled to the treasures of such wealthy enemies.

When they had for some time indulged these expectations, an account was brought, that the fleet was returned without the least action, or the least attempt, and that new provisions were to be taken in, that they might set out upon another secret expedition.

But, Sir, this wonder-working term had now lost its efficacy, and it was discovered, that secret expeditions, like all other secret services, were only expedients to drain the money of the people, and to conceal the ignorance or villainy of the minister.

Such has been the conduct for which we are desired to return thanks in an humble and dutiful Address, such are the transactions which we are to recommend to the approbation of our constituents, and such the triumphs upon which we must congratulate our sovereign.

For my part, Sir, I cannot but think that silence is a censure too gentle of that wickedness which no language can exaggerate, and for which, as it has perhaps no example, human kind have not yet provided a name. Murder, parricide, and treason, are modest appellations when referred to that conduct by which a king is betrayed, and a nation ruined, under pretence of promoting its interest, by a man

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trusted with the administration of public affairs.

Let us therefore, Sir, if it be thought not proper to lay before his majesty the sentiments of his people in their full extent, at least not endeavour to conceal them from him; let us at least address him in such a manner as may give him some occasion to enquire into the late transactions, which have for many years been such, that to enquire into them is to condemn them.

Sir *Robert Walpole* rose again, and said:*

Sir; though I am far from being either confounded, or intimidated, by this atrocious charge; though I am confident, that all the measures which have been so clamorously censured, will admit of a very easy vindication, and that whenever they are explained they will be approved; yet as an accusation so complicated cannot be confuted without a long recapitulation of past events, and a deduction of many particular circumstances, some of which may require evidence, and some a very minute and prolix explication, I cannot think this a proper day for engaging in the controversy, because it is my interest that it may be accurately discussed.

At present, Sir, I shall content myself with bare assertions, like those of him by whom I am accused, and hope they will not be heard with less attention, or received with less belief. For surely it was never denied to any man to defend himself with the same weapons with which he is attacked.

I shall therefore, Sir, make no scruple to assert, that the treasure of the public has been employed with the utmost frugality to promote the purposes for which it was granted; that our foreign affairs have been transacted with the utmost fidelity, in pursuance of long consultations; and shall venture to add, that our success has not been such as ought to produce any suspicion of negligence or treachery.

That our design against Carthagena was defeated, cannot be denied; but what war has been one continued series of success? In the late war with France, of which the conduct has been so lavishly celebrated, did no designs miscarry? If we conquered at Ramillies, were we not in our turn beaten at Almanza? If we destroyed the French ships, was it not always with some loss of our own? And since the sufferings of our merchants have been mentioned with so much acrimony, do not the lists of the ships taken in that war, prove that the depredations of privateers cannot be entirely prevented?

The disappointment, Sir, of the public expectation by the return of the fleets, has been charged upon the administration, as a crime too enormous to be mentioned

* "It soon appeared from the complexion of the House, and the conduct of the minister, that his power and influence were on the decline. An address of thanks being proposed by Henry Herbert, some of the opposition objected to a clause, "for returning his majesty the thanks of this House, for his royal care in prosecuting the war with Spain." Sir Robert Walpole now felt, for the first time, the awkwardness of his situation, and he appeared "shorn of his strength." Instead of opposing with spirit any alteration in the Address, and manfully declaring that the misfortunes of the war could not be charged upon government, he attempted to palliate the losses which the nation had suffered, and to shew that the war had not been so unsuccessful as it was represented, and weakly agreed, for the sake of unanimity, to omit the paragraph relating to the Spanish war. Pulteney availed himself of this concession; and attributed it to fear and conscious guilt. He made a long and animated speech, full of personal invectives; and anticipated the triumph of his party, by an allusion to the balance of power. He said, that not being in the secrets of government, he was ignorant of its state abroad, but congratulated the House that he had not for many years known it to be so near an equilibrium there as it was then. He then recapitulated the principal charges which had been urged against sir Robert Walpole from the beginning of his administration; dwelt very particularly on the mismanagement of the war with Spain, and even carried his reproach so far as to accuse him of being influenced by the enemies of the Protestant establishment.

"Walpole repelled this intemperate attack with unusual feebleness; and after a short but general justification of the measures of government, concluded with saying, "I am very far from hoping or desiring that the House should be satisfied with a defence like this; I know, by observing the practice of the opponents of the ministry, what fallacies may be concealed in general assertions; and am so far from wishing to evade a more strict inquiry, that if the gentleman who has thus publicly and confidentially accused the ministry, will name a day for inquiring into the state of the nation, I will second his motion."

"This challenge was accepted; the Address, without any mention of the Spanish war, was voted; the motion made by Pulteney to fix a day for considering the state of the nation, was seconded by Walpole, and the 21st of January was appointed for that purpose." Coxe's Memoirs of sir R. Walpole.

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without horror and detestation. That the ministry have not the elements in their power, that they do not prescribe the course of the wind, is a sufficient proof of their negligence and weakness: with as much justice is it charged upon them, that the expectations of the populace, which they did not raise, and to which perhaps the conquest of a kingdom had not been equal, failed of being gratified.

I am very far from hoping or desiring that the House should be satisfied with a defence like this; I know, by observing the practice of the opponents of the ministry, what fallacy may be concealed in general assertions, and am so far from wishing to evade a more exact enquiry, that if the gentleman who has thus publicly and confidently accused the ministry, will name a day for examining the state of the nation, I will second his motion.

The Clause for returning thanks to his majesty for the conduct of the war against Spain, being given up without a division, a Committee was appointed to draw up an Address of Thanks.

Then Mr. Pulteney stood up, and moved for appointing a day for the House to resolve itself into a Committee of the whole House to consider of the State of the Nation, and sir Robert Walpole (according as he had declared he would) immediately seconded that motion; whereupon it was agreed, *nem. con.* That the 21st of January be appointed for that purpose.*

*The Commons' Address of Thanks.*] The Address of the Commons was as follows:

"Most Gracious Sovereign,

"We, your majesty's most dutiful and loyal subjects, the Commons of Great Britain, in parliament assembled, beg leave to congratulate your majesty upon your safe and happy return to these your kingdoms; and to return our sincere thanks for your most gracious speech from the throne; and, at the same time, with hearts full of duty and gratitude, cannot but acknowledge your majesty's regard and attention to the honour and interest of this nation.

"The great and impending dangers that threaten Europe, under the present critical and perplexed situation of affairs, have been represented by your majesty, to your parliament, for their advice and assistance, with such paternal concern, and such affection to your people, such confidence in your faithful Commons, and such anxiety for the general good of Europe, as cannot fail to excite in us a due sense of your majesty's goodness and condescension; and therefore we assure your majesty, in the strongest manner, that this House will, as often as these momentous affairs shall come under our consideration, give your majesty such advice as becomes dutiful and faithful subjects, and such assistance and support as shall be most conducive to the honour and true interest of your crown and kingdoms.

"And, in order to answer these necessary purposes, we will grant such effectual supplies as shall enable your majesty not only to be in a readiness to support your friends and allies, at such times, and in such manner, as the exigency, and circumstances of affairs shall require; but, to oppose and defeat any attempts that shall be made against your majesty, your crown and kingdoms, or against those who being equally engaged with your majesty, by the faith of treaties, or united by common interest, and common danger, shall be willing to concert such measures as shall be found necessary and expedient for maintaining the balance of Europe."*

* "December 10, 1741. In the Commons on Tuesday, there was no division: an Amendment was proposed by lord Noel Somerset; seconded by Shippen, who declared that he loved divisions; but that motion was dropped, upon sir Robert Walpole's coming into another amendment, proposed by Mr. Pulteney, who declared against dividing: and observed, with a witticism, that dividing was not the way to multiply: in the same humour, upon speaking of the balance of power, he said he did not know how it was abroad, not being in secrets, but congratulated the House, that he had not for these many years known it so near an equilibrium as it now is there. He and sir Robert spoke two or three times a-piece, and agreed upon going into the state of the nation the 21st of next month." Coxe's Walpole: Correspondence; John Orlebar to the reverend H. Etough.

* "The coolness of the Address, and the omission of the clause relating to the war with Spain, essentially hurt the minister. It led his interested followers to suspect, that his power was declining; while his friends, who were steady in their attachment to the house of Brunswick, were of opinion, that stronger assurances were due to the king, for the dangers to which he exposed his electoral dominions, the French having already violated the stipulated neutrality, and threatened to take up their winter quarters in Hanover." Coxe's Memoirs of sir R. Walpole.

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*The King's Answer.*] His Majesty gave this Answer:

"Gentlemen,

"I return you my thanks for this dutiful and loyal Address, and for the assurances you have given me at this critical and important conjuncture. I shall always have the greatest regard to the advice of my parliament, and I make no doubt but you will act therein in such manner as shall be most conducive to the honour and interest of my crown and kingdoms; and give me your support and assistance in carrying on such measures as shall be judged to be necessary and expedient."

*Dr. Lee chosen Chairman of the Committee of Privileges and Elections.**] Dec. 16. This day came on the election of a Chairman of the Committee of Privileges

* "The great points on which the two parties exerted their respective strength, were the decisions on contested elections. Ever since the Aylesbury contest, when the House of Commons assumed to itself the power of judging finally on the qualifications of the electors, which had been so warmly opposed by Walpole, in the commencement of his parliamentary career, the decision on elections became a mere party business. The merits of the case were seldom considered, and the questions were almost wholly carried by personal or political interests. At the opening of this parliament, there were more contested elections than usual; and as the power of the two contending parties ultimately depended on the decision, every nerve was strained by both sides in favour of their respective friends, the minister had been heard to declare, that there should be no quarter given in elections, and his friends trusted that the decisions would chiefly be in his favour. But these sanguine hopes were frustrated by the activity of opposition, the lukewarmness of many of his friends, and treachery of his pretended partisans. The opposition made it a principal object to attend on these occasions, and it was esteemed infamous to desert a committee of election. On the other hand, many of those who supported government often staid away, and not unfrequently voted against the candidates countenanced by the minister.

"The first division which took place was on the Bossiney election, and the party favoured by the minister carried it only by 222 against 216. With this small majority, Walpole acted as he had done in former parliaments. He did not sufficiently adapt himself to the change of circumstances, or consult the temper of the House in the question which was next moved, for choosing a Chairman of the Committee of Elections. This was a point of great consequence, because he possessed considerable power in influencing the decisions referred to the committee. Walpole acted with much imprudence in proposing Giles Earle, one of the lords of the treasury, who had been chairman during the two last parliaments, and was exceedingly unpopular. The opposition supported Dr. Lee, who was much more beloved and respected by all parties than his antagonist. The question was accordingly carried, from personal considerations, against the ministerial candidate, by a majority of 242 against 238. The loss of this question gave a mortal blow to his interest, and redoubled the spirit of his adversaries. The fatal consequences were immediately visible; several unsuccessful candidates, who had depended on his support withdrew their petitions." Coxe's Memoirs of sir R. Walpole.

"Dec. 10, 1741. There was a division yesterday, upon a motion made by sir W. Yonge upon the return for Bossiney, against which Kit Tower and Mr. Sabine are petitioners; and carried for the motion, only by 222 against 215. This account I leave to your reflection. It is supposed that more than 500 members are in town; and I have heard, that at a hotch-potch meeting of Torys and patriots the other day, 210 were present, and 25 sent excuses, who were willing but not able to attend. A great struggle is expected for the Chairman of the Committee of Election: Dr. Lee is proposed on one side, and it is doubted he will make a considerable party: the old chairman is reckoned to have made himself many enemies by the freedom of his wit, especially among the Scotch; and it is imagined that he will be dropt for Mr. Clutterbuck, in hopes that the latter's character may gain him a fairer chance."

"Dec. 17. On Friday the return for Bossiney was ordered to be taken off the roll, and the return of Messrs. Tower and Sabine filed in it's stead—Yeas 224, Noes 218. Alderman Heathcote, who, I suppose, had been schooled in his return into the city from his Wednesday's vote, not only changed sides, but spoke on the contrary side with fury; and our sir Roger, who was in the minority on Wednesday, (how that came about I do not know, unless it was because Tower may have some interest at Houghton Regis,) was likewise in the minority on Friday: and I have heard, that between those two days, he was given to understand by our duke, that he was not to expect his interest, if he did not give every vote as required. The chairman of the Committee of Elections was chosen last night: and may this not be a decision of the majority! For Dr. Lee 242, for Mr. Earle 238. This I was informed of last night, but without particular observations on the division; and well hoped that this morning I might hear of ten or a dozen at least, either Scotch members, lawyers, or others, who might either be prejudiced against the old chairman, or have some other reasons for inclining to the new



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and Elections, when Dr. Lee was chosen in opposition to Giles Earle, esq. (who had been chairman of that committee in the two last parliaments) by 242 against 238.

*Proceedings respecting the Westminster Election Petition.**] Dec. 9. A Petition of several burgesses and inhabitants of the city and liberty of Westminster, complaining of an undue election and return for the said city and liberty, was ordered to be heard at the bar.

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one, without being enemies to the new administration. But all I can find of that kind is, that Mr. Mellish was in the majority, upon a promise that on that condition the petition against him should be dropped; and Tom Hervey, whose motive I have not heard assigned; and Mr. Clive, who was steady in the affair of Bossiney, and was thereon thought to be determined; and Mr. York for Richmond. Are we to be concluded by this trial? I, who love always to give myself hopes, as long as one can reasonably do so, am at present fond of flattering myself, and our friends, that out of the absent members, who are in town, but from sickness or other accidents in their family, were disabled from attending, the greater number would have been for Mr. Earle; and I reckon the whole are not fewer than 20 or 30.

"Of our friends I know Hanbury Williams, Laroche, and White were kept away by illness; col. Bladen, by the loss of his wife's daughter the day before; and Strickland, by the death of his wife: but as this is but conjecture, as to the majority of the absentees, and as it is natural to hear of the sickness, &c. of friends, more than the other party, nothing can be concluded from it with certainty, without knowing every one's name, and the reasons of his absence: but then, may we not likewise suppose, that there might be half a score or more capricious (such as Mr. York), or a sort of neutrals in party, so far as that can be, who were drawn into this majority by a preference of the doctor's character in their own minds, but yet, upon material points, may be determined otherwise by reason. These fancies, I own, may be deceitful: whether they are or no, time must discover; but, supposing the parties at present are so near an equality, may we not hope that the new elections may give strength to the ministry?"

"Dec. 26. I passed sir Robert Walpole on Monday last, near Whitehall (he in his chariot, and I in mine). Upon the little view I had of him, and to say truth, I did not like his countenance. I have heard since, that he had that morning a long conference with the king; from whence he might be then returning. I have not heard any one mention how he holds up; but, o' my conscience, under our present situation, both at home and abroad, nobody's spirits but his, in such a station, could keep up. May his spirits and power never fail, so long as his constitution enables him (and may that be long too) to go through the weighty business that lies upon him!" Coxe's Walpole: Correspondence; John Orlebar to the reverend H. Etough.

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* "The Westminster election was the favourite point with the opposition, because it afforded the fairest field against corruption and a standing army. The friends of the sitting members, on the other hand, who were all of them the friends of the minister, thought that the return which had been made for that borough was very defensible, as the sitting members had an acknowledged majority of votes, and as the riots which had been industriously raised had made the intervention of the military power, who had been regularly called upon by the civil magistrates, absolutely necessary. The 23d of December, this decisive affair came on to be heard at the bar of the House. The petition had been presented by Mr. Pulteney, and the number of subscribers were very great, though they were in general persons of somewhat lower than middling fortunes. But they had been supported in the expence of their application by a voluntary subscription, to which some great personages had openly or secretly contributed. Their counsel was Mr. Murray, afterwards lord Mansfield, and Mr. Evans; that for the sitting members was Mr. Clark, afterwards a baron of the Exchequer, and another. The matter was long and learnedly examined; but the circumstances of the books being shut up without the consent of Edwin, and the return being made under the protection of a party of the guards, carried the determination against the minister by a majority of 220 against 216. At the same time the returning officer, a simple, perplext creature, was ordered into the custody of the serjeant at arms; and the justices, who had sent for the soldiers, had a day appointed for being reprimanded on their knees by the Speaker. Nothing but private friendship could have prevailed with the minister to come to the House after this. He attended, however, and carried several points against his adversaries, and even threw out some intimations as if he had it still in his power to disappoint the sanguine expectations they had formed. They were sensible of the truth of this. The chief part of the opposition, which was composed of old Whigs or violent Tories, began, in their meetings, to talk of terms which they who had taken the lead of opposition within doors could by no means approve of, but durst not, as yet, gainsay, because they were sensible that the others, upon the smallest conceived distrust, either would join the minister, or throw the nation into civil dissensions. A seeming unanimity, therefore, still prevailed amongst the gentlemen of the opposition; but a private correspondence was now entered into between

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Dec. 15. The House proceeded to the hearing of the matter of the Petition, complaining of an undue election and return for the city of Westminster; and, after hearing counsel, and the last determination of the House, concerning the right of electing citizens to serve for the said city, made the 15th Nov. 1680, when the House resolved, "That the king's menial servants, not having proper houses of their own within the city of Westminster, have not a right to give voices in the election of citizens to serve in parliament for the said city," was also read. And the Standing Order of the House, made the 16th Jan. 1786, for restraining the counsel at the bar of this House, or before the Committee of Privileges and Elections, from offering evidence, touching the legality of votes for members to serve in parliament for any county, shire, city, borough, cinque-port, or place, contrary to the last determination in the House of Commons, was also read, and the counsel for the petitioners were heard; and having examined several witnesses, the farther hearing of that matter was adjourned.

Dec. 22. The House proceeded to the farther hearing of the matter of the Petition for the city and liberty of Westminster. Having examined several witnesses; and the counsel on both sides being withdrawn, a motion was made and the question put, That William lord Sundon is duly elected a citizen for Westminster; it passed in the negative, by 220 against 216. The question being put, That sir Charles Wager is duly elected a citizen for the said city; it passed in the negative, by 220 against 215, and the said election was declared void.

And a motion being made to adjourn, it passed in the negative by 217 against 215; and it was resolved, "That Mr. John Lever, high bailiff of the city of Westminster, acted at the said election in an illegal and arbitrary manner, in prejudice of the rights and liberties of the electors of the said city, and in manifest violation of the freedom of elections." Then

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some of the heads, and some about his majesty's person, who were no enemies to the minister, but thought it would be for the service of the public if he should retire from power without any civil convulsion attending his dismission." Tindal.

"January 12, 1742. My lord; though the opposition at present triumphs in a majority upon the division about the Westminster election, when it was imagined sir Robert would exert his utmost strength—though Nugent carried with him into the country a body of suspected friends in order to keep them out of harm's way, as they call it—notwithstanding lord Gage and Dodington have laid their heads together, and that his lordship offers even to stake considerable wagers that all the stories he tells are true—and though Littleton and Pitt are determined to blow up Carlton-house rather than not have a chance to do more mischief;—this same opposition, with many heads, seems to be neither so powerful nor so unanimous as it would fain appear. If lord Doneraile and lord Carpenter had voted in the Westminster election, as they have declared they will do for the future, I believe that question had not been lost at that time. Lord John Sackville, sir Conyers D'Arcy, sir C. Wager, both the Mr. Archers, Mr. Selwyn, Mr. Williams, Mr. La Roche, Mr. Caswell, Mr. Mitchell, and some others, whose names I could not learn, withdrew, or did not attend, though they were all in or near town; and I have not heard the name of one or two of their friends who was in or near town, and did not attend that day. Of the new members, who are to take their seats next meeting, the court has a majority of seven. Captain Rutherford being taken off adds another, and if the last Westminster election be declared void, we gain two more for the State of the Nation. Whether any and what converts have been, or, before the 21st instant, shall be made, I cannot pretend to say.

"Sir Robert was to-day observed to be more naturally gay and full of spirits than he has been for some time past. The same observation was likewise made of Mr. Pelham, whose steadiness seems to be that excellent mortar that binds my lord President, my lord Steward, my lord Chancellor, and even his grace of Newcastle himself.

"It is generally agreed that sir Robert will never give up, nor bring any body in, if he can possibly avoid it; and that his majesty will never forsake him; that the Tories would come into any terms; and that the patriots, being sensible of that, are so afraid of being left in the lurch, that they only wait for the first good offer. It is well known that Pulteney carries with him but four members, and that lord Carteret has few followers besides the Finches. Pulteney's terms seems to be a peerage and a place in the cabinet council if he can get it. How far Mr. Pelham's friendship for him may facilitate either of these things, I will not pretend to judge. If somebody must be brought in, it is thought lord Carteret will unsay all he has said, and be heartily glad to laugh at the great Argyle. People do not think lord Ila and his grace hate one another so heartily as they pretend." Coxe's Walpole: Correspondence; sir Robert Wilmot to the duke of Devonshire.

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a motion being made for taking the said John Lever into the custody of the serjeant at arms; it was resolved in the affirmative.

A motion being again made to adjourn, it passed in the negative, by 206 against 200.

Hereupon it was resolved, "That it appears to this House, that a body of armed soldiers, headed by officers, did, on the 8th of May last, come in a military manner, and take possession of the church-yard of St. Paul Covent Garden, near the place where the said poll was taken, before the said election was ended: And that the presence of a regular body of armed soldiers at an election of members to serve in parliament, is an high infringement of the liberties of the subject, a manifest violation of the freedom of elections, and an open defiance of the laws and constitution of this kingdom."

It was also ordered, That Nathaniel Blackerby, George Howard, and Thomas Lediard, esqrs. do attend the House on the 22d of January next.

January 23, 1742. Mr. Blackerby, Mr. Howard, and Mr. Lediard, attending according to order, were brought to the bar; and, upon their knees, reprimanded by Mr. Speaker, as the House had directed. The reprimand was as follows; viz.

"Mr. Blackerby, Mr. Howard, Mr. Lediard:

"You having, at the bar of this House, confessed, that you did send for, and cause to come, on Friday the 8th day of May last, a body of armed soldiers, headed by officers, in a military manner, who did take possession of the church-yard of St. Paul Covent Garden, near the place where the poll (for the election of citizens to serve in this present parliament for the city of Westminster) was taken, before the said election was ended, and you having acknowledged your offence therein, the House did order you to attend this morning, to be brought to the bar, to be reprimanded, on your knees, by me, for the said offence:—I cannot better describe to you the nature of this offence you have been guilty of, than in the words of the Resolution this House came to, upon their examination into that matter; which are: 'That the presence of a regular body of 'armed soldiers at an election of members 'to serve in parliament, is an high infringement of the liberties of the subject, a manifest violation of the freedom of elections, 'and an open defiance of the laws and 'constitution of this kingdom.'—And it is impossible, if you well consider the terms of this Resolution, but that you must have in your breasts the deepest sorrow and remorse for this rash act of yours, which, if it had not been animadverted upon, might have given the most dangerous wound to the constitution of this free country, that perhaps it had ever felt: this country, free, because this House is so; which this House can never be, but from the freedom of elections to it; and amidst the too many ways for violating that, none can be more pernicious, because none more quick, decisive, and permanent, than what you might unhappily have set a precedent for, and which might have grown to an extremity, under the specious and ready pretences of fears and necessity, that supersede all law; a precedent that would have received an authority from the place it began in—the seat of the government and legislature of this kingdom:—Necessity, which is to take place of law, must be left to the circumstances of every particular case; the act must be presumed to be wrong, inquired into as such, and excused only by the clearest proofs, that the necessity of it was real:—What you have done, is against one of the most essential parts of the law of the kingdom: has any real necessity been shewn for it? There might be fears, there might be some danger, but did you try the strength of the law to dispel those fears, and remove that danger? Did you make use of those powers the law has invested you with, as civil magistrates, for the preservation of the public peace? No; you deserted all that, and wantonly, I hope inadvertently, resorted to that force, the most unnatural of all others, in all respects, to that cause and business you were then attending, and for the freedom of which every Briton ought to be ready almost to suffer any thing: more might be said, but you have acknowledged your offence, and have asked pardon for it: this has disposed the House to lenity: use it not to lessen the sense of your crime, but to raise in your hearts that sense of gratitude you owe to the House, for the gentle treatment you have met with on this occasion, in expectation of which you are discharged, paying your fees."

Resolved, That the Thanks of this House be given to Mr. Speaker, for the said Speech, and that he be desired to print the same.

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*The Commons adjourn—A Message from the King to the Prince of Wales—The Prince's Answer.**] On the 24th of December, the House of Commons adjourned to the 18th of January, 1742.

On the 5th of January 1742, Dr. Secker, bishop of Oxford, waited on his royal highness the Prince of Wales, at Carleton-house, with the following Message, delivered to him (as he said) by the earl of Cholmondeley, from his majesty: "That if his Royal Highness would write a letter

* "On the 24th of December, the House of Commons adjourned to the 18th of January; and that short interval was employed by the minister in attempts to increase his friends, and to maintain himself in power; but all his efforts were ineffectual. The state of his own health was a principal cause of his downfal. He had suffered at the latter end of the preceding year from a severe illness. His memory was no longer so strong, nor his method of transacting business so ready as before. Hence he was incapable of making those exertions which his critical situation rendered necessary; of unmasking his treacherous friends; of exposing his enemies, and of adopting such measures as would have enabled him to act with vigour, or to retire with dignity. During this session he appeared in general absent and thoughtful. He seemed to have lost, in many instances, that contempt of abuse, and command of temper, for which he had been remarkably distinguished: he was either, contrary to his usual custom, silent, or he was irritable and fretful. In one instance he publicly said, that if he could collect the real sense of the House on the difficult and dangerous situation of affairs, he would support it as a minister in the cabinet. The loss of the Westminster question ought to have been the signal of his immediate resignation, and many of his friends were of that opinion. But he still appeared anxious to retain his power as long as he was able; and during the recess of parliament, he made an ill-judged application to seduce the prince of Wales from his party, in which his own sagacity and knowledge of mankind ought to have convinced him, that he had no chance of succeeding. Being informed that the members of opposition proposed to renew the motion in parliament, for increasing the establishment of the prince, he prevailed on the king, not without the greatest difficulty, to offer an increase of 50,000*l.* to his annual income, and to insinuate hopes that his debts should be paid, provided he would not oppose the measures of government. A message to this purpose was conveyed to the prince by the bishop of Oxford, at the instance of lord Cholmondeley, and by command of the king. The prince, after due expressions of duty and affection, declared that he considered the message as coming from lord Cholmondeley, and not from the king, and therefore would not listen to any proposition of a similar import, so long as sir Robert Walpole continued at the head of administration. The resignation of sir Robert Walpole was now considered as certain, both by his friends and enemies; but he had still more mortifications to experience before his fate was ultimately decided.

"As many erroneous narratives of this transaction have been given to the public, I shall subjoin an account, which I found among the Walpole papers, in the hand-writing of sir Robert Walpole, and bearing the following endorsement; "An account of what passed between H. R. H. and lord Oxford, January 5, 1741-2, with the printed letter that passed between the king and prince upon the breach."

"An Account of what the bishop of Oxford said to the prince of Wales, from lord Cholmondeley, authorized by his majesty, January 5, 1741-2.

"That if his royal highness would write a dutiful letter to his majesty, expressing his concern for what was passed, in such a manner as might be consistent with his majesty's honour to accept, representing the uneasy circumstances of his fortune, and referring them to his majesty's goodness, lord Cholmondeley had full and sufficient ground, from his knowledge of his majesty's intentions and dispositions, to assure his royal highness that his majesty would be reconciled to him; and would add 50,000*l.* a year to his present income, and would not require any terms from him, in relation to any of those persons, who were in his royal highness's service, counsels, or confidence, nor retain any resentment or displeasure against him.

"To this lord Cholmondeley added, that there was no doubt but that his royal highness's debts would in this case be provided for, in such a manner as upon farther consideration should be found most proper and impracticable.

"The Answer of his royal highness, January 5, 1741-2. "His royal highness used strong expressions of duty and affection to his majesty, and answered further to this purpose: that if this had been a message directly from his majesty, it would have been his duty to have written a letter to H. M. on the occasion; but as it was a proposition that came from lord Cholmondeley, in the manner I had mentioned; his answer to lord Cholmondeley was, that he would not hearken to it, so long as sir Robert Walpole was in power, by whom he conceived himself to have been greatly injured, and to whom he thought the most prudent advice for sir Robert Walpole himself, and the public, was, that he should retire; and that he, the prince, had before this received intimations of the same nature with those I had now said to him, and desired not to have any more, whilst sir Robert continued in power." Coxe's Memoirs of sir R. Walpole.

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of condescension to the king, his majesty would give a gracious reception to him, his friends, those of his councils and servants, who should all be provided for in due time: That the 50,000*l.* per annum should be immediately added to his Royal Highness's present income: and, that all his debts should be paid with all convenient speed."

To this his Royal Highness returned the following Answer:

"That he looked on this Message as a proposal from the minister, and not from his majesty: That he would embrace the first proper opportunity to throw himself at his majesty's feet: and at that time should be far from prescribing terms for himself to his majesty: but that he could not come to court while sir Robert Walpole presided in his majesty's councils: that he looked on him as the sole author of our grievances at home, and of our ill success in the West Indies: and that the disadvantageous figure we at present make in all the courts of Europe, was to be attributed alone to him."

*Debate in the Lords on a Motion for Rear Admiral Haddock's Orders and Instructions.**] January 19, 1742. The order of the day being read, for taking into consideration the State of the Nation: It was proposed, "That the House be now adjourned during pleasure, and put into a Committee thereupon." Which being objected to; It was moved, "That an humble Address be presented to his majesty, that he will be graciously pleased to order, that there be laid before this House, copies of the Orders and Instructions which have been sent to rear admiral Haddock, so far as the same concern his conduct and behaviour in case of a junction of the French and Spanish fleets." After debate; the question was put, upon the said Motion. And it was resolved in the negative.

*Debate in the Commons on Mr. Pulteney's Motion for referring to a Select Committee the several Papers relating to the Conduct of the War.**] January 21. A Motion being made by Mr. Pulteney, that the several Papers presented to the House on Monday and yesterday by Mr. Comptroller, be referred to a Select Committee, and that they do examine the same, and report to the House what they find material therein: it occasioned a great debate.

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* *From the Secker Manuscript.*

January 19, 1742. Motion for Haddock's Orders and Instructions.

*Bathurst.* Said there were several deficiencies in the Papers laid before the House: that there had been no papers relating to transactions with the queen of Hungary later than August 15, laid before them: that no Orders appeared to have been given Haddock from Dec. 18, 1740, I think till September 1741: and those of Dec. 18 do not appear to have been received; that Haddock says, he will attack the Spaniards, if the French are not joined with them: that several parts of the papers should be considered in order: that at present he moved,

"To address for Copies of the Orders and Instructions given to Haddock for his behaviour in case of a junction between the French and Spaniards."

*Newcastle.* I quoted to Mr. Haddock the letter of December 18, when perhaps I thought it had been forgot a little, and he owns himself he received it. At that time the eyes of every body were not in Mediterranean, but the West Indies: even the Orders which by accident did not arrive have been laid before the House. The court of Vienna did not keep Mr. Robinson's representations secret, and therefore he had orders to make no more in writing. Suppose in a case of junction, Haddock had orders to attack, but had not strength, should this be known? No good can come by publishing such orders. Better ministers should be suspected of having given none, than harm brought upon the nation to justify them.

*Chesterfield.* There can be no harm in knowing whether he had orders to attack our enemies, and this question is no more; for whatever power joins them is such. But there may be great harm if it be not known, and France is the first power that should know it. Indeed, they must believe you will attack them unless they know the contrary. And if they know that, it is fit we should know it too: the reasons for refusing these papers will be as well known as the papers themselves can be. It was well known that Vernon had orders to attack the joint fleet in the West Indies; and if orders now are concealed, it is not lest France should know, but lest England should know.

*Hervey.* If any lord can doubt whether such orders have been sent, I should be for producing them. But this is impossible: therefore have some indulgence to the opinion of the lords in the administration.

*Carteret.* The noble lord hath admitted there are such Orders, and if every other lord in the administration will speak explicitly, this is an answer, and will give satisfaction abroad. But there is not a man in Holland believes

* From the London Magazine.

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Mr. *Pulteney* introduced his Motion with the following Speech;

Sir; I have always thought, that when papers of state are called for by this House, as well as when such papers are laid before us without being called for, it should be with some sort of view or design.

such orders are given. Nothing will give more life to our friends in Italy than such a declaration. But orders are nugatory without means. France will not take such orders ill. Before the French and Spaniards came back from America, Haddock had means, and perhaps the Emperor's death was one occasion of their coming back. Why did we not strengthen Haddock then when we wanted ships no where else? The French dealt plainly with you, and told you they sent a fleet into America to hinder you from making conquests there, and doubtless sir Chaloner Ogle had orders to attack them, not only jointly with the Spaniards, but separately; and the king's Speech in effect says this.

*Chedworth.* I doubt whether any Orders were sent, for I think none were necessary. The junction of the French if they would let us alone was not material, and if we attacked the Spaniards and they assisted them, it was self defence on our part to attack the French, but they must declare themselves our enemies first. It is owned there were proper orders sent to the West Indies: why should it be doubted in this case? It is as much known already that we should defend ourselves as the sight of any orders can make it known. The question of means doth not come in here. But though others knew we should defend ourselves, it might ruffle some of them to tell them so.

*Argyle.* I do declare in the most solemn manner for the satisfaction of the noble lord who spoke lately, that I am in great doubt whether Orders were given, and therefore hope he will be with us. Our ministers knew the Spaniards were going to Italy, yet, sir J. Norris was sent out to intercept Las Torres when there was no chance for it, and so that he could not send any thing to Haddock. Every body knew the Toulon squadron was come out, and from that hour it could not be doubted but they meant to wait for us, and yet Haddock was not reinforced in time. If we see these Orders, I shall have once occasion to commend a single action of this administration.

*Newcastle.* A noble lord hath said truly that Orders without means are nugatory, and we had not means. I do not still repent of the war with Spain, but you have almost all the maritime powers against you and none for you. You were obliged to send above 30 men of war to the West Indies. If sir J. Norris could have gone 4 days sooner, the enemies' squadrons going thither might have been prevented. There were accounts of the Spaniards design of an embarkation being kept alive, but not of its going on. And there were 4 ships of 44 guns each, sent to Haddock in June; 3 more were ordered in August but did not go; but 4 went in September, and it was considered, whether more could be spared, and found that you had not at home at that time a squadron equal to the French. Ten ships of theirs indeed could not have invaded us, but they could have insulted us. Afterwards 5 more were sent to Haddock: in all 13, since the beginning of June: and two more have been kept with him, that he might have means. There are now 4 more ordered to be sent him, and God knows whether there will then be 4 left. There is a good deal of difference between suspecting a thing and knowing it. And are you in a condition here at home, if when these Orders are avowed, the French should take it ill? It may not be long before orders may be shewn.

*Lonsdale.* There must be some disadvantages in making such an Order known. Every step in relation to France is of great importance. And the French got nothing by declaring with what design they sent their squadron into America. And what will the advantages be? your honour must be vindicated by deeds not words. Making these Orders public will not give spirit to other countries. The more spirit we have shewn here, the less hath been shewn in other places. The only way is to act wisely. Nor will it give satisfaction at home till you can satisfy them that you have the means, as well as that you have given orders.

*Chesterfield.* We have above 200 men of war in commission, and it is said we have not means of being superior to half the number, but have been always trembling for the superiority of our enemies. It is strange there should be no orders to Haddock after December 1740, though we knew of the Spanish embarkation. And the Spanish embassador at the Hague said, it would go without molestation from us. Might not means be wanting on purpose for executing orders which nobody durst give? There was no need of asking for Vernon's Orders, for he acted, but in the Mediterranean we have not acted. I believe it will not be long before these Orders are shewn, therefore would have this administration have the honour of doing it.

*Hardwicke C.* The French do believe we shall attack them, but this is different from authentic proofs of it. The motion for papers made some days ago was limited to such as relate to Haddock's behaviour towards the Spaniards, and that was done with a view to this present question. Orders relating only to an actual junction of the French and Spaniards, would be imperfect and blameable, and if they extend farther, would you make this public to give a handle to France? It is better to let the administration remain unjustified than 'ponere rumores anti salutem.' I wish we could man the ships we have; but the business of the means is not that of the day.

Carried in the negative without a division.



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We know very well, that when treaties, estimates or accounts are laid before us without being called for, it is generally with a design to demand a sum of money, or vote of credit; and such demands have of late years been usually complied with, I believe, by most members of this House, without so much as looking at any one of the papers or estimates, which were laid before us as the foundation of that demand. This practice, Sir, must be allowed to be a little extraordinary; but our late practice, with regard to those papers that are expressly called for, has been much more surprising; for after the papers called for have been laid before us, they have been ordered to lie upon the table, and there they have generally lain, without the least examination, as if we had had no view in calling for them, but that of increasing the bulk of our votes by long lists of letters, instructions and memorials. Experience has shewn, that when such papers are ordered to lie upon the table for the perusal of the members, they are seldom perused with attention by any, and when they are perused separately and distinctly by a few particular members, none of them have authority enough to prevail with the House to enter into a strict inquiry, or to take into consideration the errors, mistakes or blunders, they may from such papers have discovered.

For this reason, Sir, and that the nation may see we do not put the administration to the trouble and expence of laying piles of state papers before us, without any view or design, either for the service or satisfaction of the public, I think, when we call for any papers of importance, and they are accordingly laid before us, they ought of course to be referred to a select committee, that they may examine them strictly, and report their remarks, observations, or objections, to the House; for the examination of such a committee must always be more exact and full, and their report will have more weight, than the examination or report of any single member, who peruses the papers upon our table, without any direction or authority from the House.

When I argue in this manner, Sir, I hope no gentleman will think, that I am arguing against this or any other administration; for a wise and just administration will always be glad to have its conduct inquired into in the most strict, regular, and authentic method; and if the administration be weak or wicked, it is then the duty of parliament to take that method, which is the most regular, and the most proper for rescuing the nation out of the hands of such an administration; therefore every gentleman must, with me, suppose one of these two things: either, that the doctrine I have advanced will be approved by those who have the honour of being our present ministers, or that their opposing it ought to be a prevailing argument with every independent member of this House for agreeing to it; and consequently, I must look upon it as an established maxim, that all the papers which are laid before this House, and deemed to be of great importance, ought to be referred to the consideration of a Select Committee.

This, Sir, is a maxim which will hold good at all times, and in all circumstances; but when the nation finds itself involved in great difficulties, when our affairs both abroad and at home are apparently in great distress, and when a general suspicion prevails against the conduct of our administration; this maxim ought not only to be approved, but in every instance, without hesitation, pursued: and that this is our case at present, I shall endeavour to demonstrate. With regard to our trade and manufactures, they have been upon the decay for several years: every man is now sensible of this decay, and every man is now convinced, that it is owing to the taxes we have upon the necessaries and conveniences of life. By these taxes the subsistence of poor labourers and manufacturers is rendered more expensive in this than in any foreign country, which of course renders it impossible for them to work so cheap, and this must necessarily make our manufactures come dearer to foreign markets than the manufactures of any other country. This has gradually diminished the quantity of our exports to all parts of the world, except to our own plantations, and must, at last, put an entire stop to our exporting any one sort of manufacture; for other nations will by degrees fall into the method of rivalling us in every sort, and as fast as they do, our export of that sort of manufacture must cease.

We may talk, Sir, against the exportation of our wool, and busy ourselves in forming schemes for preventing it; but unless we can, by abolishing many of our taxes, enable our poor to work as cheap as the poor in other countries do, it will be impossible for us to prevent it, any other

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way than by diminishing our produce; for if we can work up none of our wool, but barely what is necessary for home consumption; and if a greater quantity be produced than what is necessary for this demand, the surplus must be exported, or it must rot upon the hands of the owners, which would render it impossible for many of our farmers to pay their rents; and this might, in a little time, make the cry as loud for the exportation of our wool, as it is now against it.

The bad effects of our taxes, and the great decrease in the export of our manufactures, were most sensibly felt, Sir, before the breaking out of our present war with Spain; but they then began to be more sensibly felt than ever, because that war put an entire stop to our exportation of any manufactures to Spain, and made it more dangerous to export them any where else, which of course enhanced the price, and, consequently, diminished the sale at every other foreign market. This at once threw numbers of our poor labourers and manufacturers out of their usual way of subsisting, and brought them and their families upon their respective parishes, which has, in many parishes, raised the poors rates to a height never known before in this, nor, I believe, in any other kingdom.

This, Sir, is the present desperate state of our trade, and God only knows when, or if ever we shall recover; but this is far from being the only dire effect of the long continuance of our many heavy taxes. Our people bore with patience the loads they groan under, as long as they had any hopes of seeing our debts paid off, and our taxes abolished; but they have now lost all hopes, and this creates a general uneasiness, which, if not speedily removed, must end in the subversion of our liberties, and, perhaps, the overthrow of our present happy establishment. If this unhappy state had been the necessary consequence of a long and unavoidable war: if by the extraordinary expence we have put ourselves to for twenty years past, the balance of power in Europe had been settled upon a solid foundation: if we had established such a confidence among our allies, and such a respect at all the courts of Europe, as to prevent any one of them from daring to insult or injure us, the people would have had some consolation, and would still have had reason to hope, that, at last, we might have been able to have paid off our debts, and abolished most of our taxes.

But can this be said to be the case? We have been engaged in no war: We have had no occasion to put ourselves to any extraordinary expence; for I will venture to say, that if we had not for these twenty years past sent one minister or courier abroad, nor kept one marching regiment on foot at home, the balance of power would have been more secure than it is at present, and we should have been more confided in by our friends, and more dreaded by our enemies, than we are at this time, or have been at any time within that period.

It is something surprising, Sir, but it is what the whole nation is now convinced of, that every extraordinary article of expence we have put ourselves to for twenty years past, every negociation we have entered into, and every treaty we have concluded, has contributed to embroil more and more our affairs, both at home and abroad, and to render the balance of power in Europe more precarious than it was before. By this conduct, Sir, we at last found ourselves involved in an open war with Spain, and threatened and dictated to by France, without one ally to assist us, and without one fund for carrying on the war, except an additional two shillings upon land; for we can no more call the sinking fund a fund for carrying on a war, than we can call the funds appropriated to the payment of the interest growing due to our public creditors a fund for that purpose; because the sinking fund was so solemnly, as legally, and as authentically appropriated to the payment of their principal, as ever the other was to the payment of their interest.

In these circumstances we were, Sir, nay, I may say, in worse, when the late emperor died; for France, by sending her squadrons to the West Indies, and the manifesto she published upon that occasion, had in some measure openly declared against us; and considering what little success we have had against Spain alone, what success could we have expected against France and Spain united together against us? From this immediate danger we were set free by the accident of the emperor's death; for France then foresaw she might have a better game to play, and was therefore willing to keep fair with this nation for a time; but how were we set free, Sir, from this immediate danger? Sir, by the balance of power's being brought into the most imminent, and in all human probability, the most unavoidable danger; for, in my opinion, nothing less



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than a miracle has hitherto prevented the utter ruin of the House of Austria, considering the many powers which France has found means to unite against it, and the little assistance it has received from those who were both in honour and interest obliged to support it. This, Sir, I say, has for a time prevented our having France avowedly united with Spain in the present war against us. If the emperor had lived, we should probably, before now, have been obliged to submit to such terms of peace with Spain, as France pleased to prescribe, or we should have been now standing single, and alone, against the joint force of the two powerful monarchies of France and Spain; for considering how we had deserted the emperor in the year 1733, he would probably have rejoiced at our distress; considering how we have treated the king of Prussia for several years past, he would certainly have refused to give us any assistance; and the Dutch durst not have ventured to have joined us, without a powerful confederacy in Germany. By good conduct, and the assistance of Providence, we might, perhaps, by ourselves, have been able to have supported such a war, especially if we had by our former economy paid off our debts, and freed our public revenue from mortgage. We might have carried it on with glory, and ended it with honour; but considering what a powerful navy France might have fitted out, if she had no way been obliged to divert her strength by a land war, and considering how we should have been obliged to divide our naval force, for the protection of our trade in every part of the world, and for the defence of our dominions in the Mediterranean, and in America, as well as at home, it must be allowed, that such a war, supposing the best conduct on our side, would have been extremely heavy and dangerous; and if it had been left to the management of those, who have hitherto managed with so little success our war against Spain alone, we should certainly, before this time, have been undone.

From hence we may see, Sir, that though the emperor's death, at the time it happened, was unlucky for Europe, and may, at last, prove unlucky for this nation, yet it suspended, or put off for a time, the imminent danger we were then exposed to; but are we now free from this danger? Does not every man of common penetration foresee, that if France be allowed to settle the affairs of Germany to her own liking, this danger will recur upon us with redoubled force? She may then dictate to most of the other states of Europe: she may compel those that formerly would have remained neuter, to join with Spain and her against us; and thus, unless we submit to whatever France shall please to prescribe, we shall have not only France, but most of the states of Europe, united with Spain in a war against us. Such a war it would be impossible for us to support. We should then have no alternative: we must submit; and in such a case, who can tell what sort of submission France might require?

This, Sir, is a most disagreeable, a most melancholy prospect, and it becomes the more so when we consider, that in the present distressed condition of this nation, and confused state of Europe, it is hardly possible to prevent the danger, or to disperse the cloud that hangs over us; for unless we can break that confederacy which France has, by our blunders, found means to form against the queen of Hungary, I am afraid, it will be impossible for us to form any counter confederacy; and considering the present load of debt we groan under, and the general uneasiness thereby occasioned, it will be impossible for us to afford such a powerful assistance to the queen of Hungary, as may enable her to make head against such a mighty confederacy. Thus, Sir, I hope, I have demonstrated, that at present we labour under great difficulties, and that our affairs are in the utmost distress both abroad and at home. This of itself is sufficient for raising a general suspicion against the conduct of our ministers. From the many expensive negociations we have of late years carried on: From the many expensive and unprofitable treaties we have concluded: From the vast expence we have put ourselves to, for giving weight to those negociations, or for enforcing the observance of those treaties, the people of this nation expected, that the liberties of Europe would have been by this time secured, beyond a possibility of being attacked, and the trade and navigation of this kingdom secured beyond a possibility of being interrupted; and, consequently, that from this time we might have disbanded our armies, laid up our squadrons, dismissed our foreign auxiliaries, and applied ourselves sincerely and effectually to the paying off our debts, and abolishing our taxes. This, I say, the people expected: This they had reason to expect; and now, when

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they find themselves disappointed in every one of these particulars, they cannot but suspect, they do most generally, and most violently suspect, both the wisdom and integrity of those who, for so many years, have had the direction of our public affairs, and who have never been refused any sum they thought necessary for securing the success of their measures.

The difficulties we labour under, the distresses we are drove to, and the danger to which the liberties of Europe, and, consequently, the liberties of this nation, now lie exposed, may be owing to causes of a different nature. They may be owing, Sir, to the folly or ambition of foreign courts, or to events that could not be foreseen or provided against: It may appear, that our ministers have done all that human wisdom could direct, for preventing these fatal effects; but the present face of affairs, both at home and abroad, affords such a strong presumption against them, that it is become the duty of parliament to make an inquiry into their conduct. If they are conscious of no neglect, weakness, or crime, they will promote that inquiry, they will assist us in every step that is necessary for making that inquiry satisfactory to the nation. If they behave otherwise, it will add strength to the presumption against them, and consequently, ought to make us more zealous in performing our duty to our country.

Thus, Sir, if at all times, it ought to be looked on as a maxim, that all such papers of moment as are laid before this House, ought to be referred to a select committee, this maxim ought, in our present circumstances, to be most religiously observed, and therefore, I shall conclude with moving, "That the several Papers presented to this House on Monday last, and, likewise, the several Papers presented to the House yesterday, by Mr. Comptroller, be referred to a Select Committee; and that they do examine the same, and report to the House, what they find material in them."*

Mr. *Henry Pelham:*

Sir; if a parliamentary inquiry into our past conduct could be carried on without any interruption or prejudice to our future, no man should be more ready than I to agree to it: No man should be more zealous in promoting it; because I am convinced, it would terminate in a full justification of those lately concerned in our administration, against all the aspersions and calumnies that have been cast upon their conduct. But a parliamentary inquiry into the conduct of ministers always has been, and always must be attended with great warmth; for the most innocent minister will always have a party in parliament zealous to condemn, and the most guilty will generally have a party zealous to acquit. This of course raises a warmth within doors, and this warmth within doors will always occasion heats and animosities without, which may rise to such a height as to break out in a civil war. Of this we had such a late instance, that it can escape the notice of no gentleman in this House. I believe, few gentlemen will now pretend to justify the conduct of those, who were our ministers during the last four years of queen Anne: I believe, most gentlemen are now convinced, they were guilty of very high crimes and misdemeanors; and yet, we all know, a parliamentary inquiry into their conduct, was the occasion of a civil war in the kingdom, which might have been fatal to us, if we had at that time been engaged in a foreign war, or if Europe had been in such a situation as it is in at present.

I had then, Sir, the honour to be a member of this House, and I was zealous for the inquiry then set on foot, because I thought the ministers guilty, and because I thought we had then an opportunity to inquire into their conduct, without exposing the nation to any foreign danger. But for as much as I was convinced of the misconduct of those ministers, if the nation

* "On the 21st of January, Pulteney made the celebrated motion for referring to a Secret Committee the Papers relating to the War, which had been already presented to the House. As this motion involved in it numerous charges against the conduct of the war, stated the necessity of a parliamentary inquiry, and brought on personal invectives against the minister, sir Robert Walpole took a considerable share in the debate, and was roused to the most animated exertions. In this last effort, he is said by his friends to have exceeded himself, and evinced such a consummate knowledge of foreign affairs as astonished the House. He was also ably defended by Pelham, Winnington, and sir William Yonge; the question, however, would have been carried but for the influence of lord Hartington, who brought over two Tory members, and by this means, to use the expressions of sir Robert Wilmot, saved the country from twenty-four tyrants! The motion was negatived by a majority of only three, in the fullest house known for many years, for 503 members voted.

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had been at that time involved in a dangerous foreign war, or if the liberties of Europe had been as much in danger as they are at present, I should have been for suspending our resentment against the guilty, till we had fully provided for the safety of the innocent; and the event shewed, that this sort of conduct would have been the most prudent.

This ought always, in my opinion, to be a rule for our conduct, even when we are convinced that ministers are criminal, or have been guilty of some piece of misconduct: How much more ought it to be a rule for our conduct, when we are convinced of their innocence, or have but a bare suspicion of their guilt. When a parliamentary inquiry is set up, innocence may be a safeguard, but it is far from being a safeguard in which a minister can securely and quietly put his trust. He must not sit with his arms across, and trust to the honesty of his prosecutors and impartiality of his judges. He must be

"On this question every exertion was made by opposition, and every art used to secure a majority. The purport of the intended motion was not previously known. The minister was taken unawares; many of his friends had retired; many absented themselves by design; others, who were sent for in the course of the debate, declined, under various pretences, making their appearance, while all his opponents remained at their posts. The efforts were so great on both sides, that members were brought in from the chamber of sickness. Several voted in that condition on the side of opposition; but some who intended to have supported the minister were prevented from appearing at the division. They had been placed in an adjoining apartment belonging to lord Walpole, as auditor of the Exchequer, which communicated with the House. The adversaries, aware of this fact, filled the key-hole of the door with dirt and sand, which prevented their admission into the House till the division was over. On this occasion, as general Churchill was sitting next to the prince of Wales, who was in the House of Commons to hear the debates, a member was brought in who had lost the use of his limbs. "So," says the prince, "I see you bring in the lame, the halt, and the blind." "Yes," replied the general, "the lame on our side, and the blind on yours." The small majority in favour of government, notwithstanding all the exertions made by the minister, was so sure a signal of his defeat, that a motion to address the king for copies of the memorials and letters, and other papers sent to and from the king of Prussia, which had been rejected on the 18th of December, by a majority of 24, now passed without a division." Coxe's Memoirs of sir R. Walpole.

"January 23, 1742. My lord; the minutes of the House of Commons will inform your grace of the extraordinary proceedings in that House on the 21st instant. I must take the liberty to congratulate your grace particularly upon an event of that day, which cannot but be very satisfactory to you, when two votes would have certainly given to this nation one and twenty tyrants. I have good reason to believe it was entirely owing to my lord Hartington that sir Thomas and sir James Lowther voted for their king and country. Never was a plot better concealed. Some of sir Robert's friends actually went away early, not expecting any thing; others never came. The opposition were collected to a man, but I believe not above one and twenty knew for what. Sir William Gordon was brought in like a corpse. Some thought it had been an old woman in disguise, having a white cloth round his head. Others who found him out, expected him to expire every moment. Other incurables were introduced on their side. Mr. Hopton, for Hereford, was carried in with crutches. There was one and one in the same condition on the court side.

"When Mr. Pulteney made the motion, your grace may imagine sir Robert dispatched messengers to all corners. The three lord Beauclerks would not come, because the duchess was not buried; Mr. Treby, Mr. Thompson of Scarborough, Mr. Caswell, one of the Martins, and Mr. Ashe, were ill, and could not stir out; Mr. Bowles was forgot, and sat diverting himself at Garraway's coffee-house; Mr. Sheppard had that very morning asked leave of the House to go into the country for his health, and was gone. Besides others, whose names I could not learn.

"Sir Robert exceeded himself: he particularly entered into foreign affairs, and convinced even his enemies that he was thoroughly master of them. Mr. Pelham, with the greatest decency, cut Pulteney into 1,000 pieces. Sir Robert actually dissected him, and laid his heart open to the view of the House. Mr. Winnington, sir W. Yonge, and H. Fox, spoke incomparably well. I must not forget Mr. Coke, who, I am told, spoke in a most agreeable manner and with great spirit. By an exact calculation, I am told that of the 50 who were away, the court has 37; but I am afraid will lose Heydon and another double return. The army comes in on Friday. It is thought the court will carry it by a handsome majority, for these times. As the bomb is burst, and no mischief done, I hope the danger is over; and after a proper question has been carried by fifteen or twenty, some of the sons of Fergus and others will certainly desert a starving vanquished army." Coxe's Walpole: Correspondence; sir Robert Wilmot to the duke of Devonshire.

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watchful that no false evidence shall be brought or given against him, and diligent and expeditious in detecting and exposing it when it is. He must take care to make his innocence appear in every instance where it is attacked, and for this purpose he may very probably be obliged to discover secrets which may be of great prejudice to the nation. At the same time, he must in every step be watchful, lest any point should be carried against him by a factious cabal, and for this purpose he must diligently and earnestly solicit the attendance of all his friends. These considerations, Sir, must shew, that during such an inquiry, no administration can have leisure to mind the public business as they ought; and besides, the necessity ministers are in such cases reduced to, of divulging the secrets of government, in order to justify their conduct, may be of infinite and irreparable prejudice to the public; therefore, I think, we ought to lay it down as a rule for our conduct, never to consent to a parliamentary inquiry into the conduct of an administration, unless we be convinced, that some of those concerned have been guilty of very great crimes or misdemeanors.

A common rumour, or a bare suspicion, however general, can be no sufficient ground for setting up such an enquiry; because such rumours and suspicions are spread against the best, as well as against the worst ministers. Nay, a good minister is more liable than a bad one to such rumours and suspicions. If he be frugal of the public treasure, and cautious in granting public favours: if he prefers meritorious modesty to clamorous impudence, he must raise to himself a great number of enemies; for every man who is refused any suit, however justly, becomes a secret or declared enemy to the minister, and of course endeavours to propagate calumnies against him; and the misfortune is, that the most impudent and clamorous are generally most listened to by the unthinking part of mankind. Though this be by far the most numerous part of mankind, yet, I hope, there are none of them in this House, and therefore, whatever rumours or suspicions may be spread without doors, I hope, they will not be listened to here, unless they appear to be founded upon indisputable facts, or very strong presumptions.

As to facts, Sir, notwithstanding the many rumours that are spread without doors, I have never yet heard a proof offered of any one criminal fact against those concerned in our administration; and as to the presumptions that have been suggested, I do not think there is the least foundation for any one of them. That this nation labours under great difficulties, and that the present posture of affairs, both at home or abroad, is far from being agreeable, I shall readily grant; but to every one who, with candour, examines the history of this nation, and of Europe, for twenty years past, it must appear evident, that neither of these misfortunes can justly be imputed to any design or misconduct in our ministers. Our debts were all contracted long before the present administration had a being. At least, if any new debt has been contracted, a much greater old one has been paid off; for when our present ministers first came into power, the national debt was larger than it is at present, and what was worse, our public credit, by an ill-managed project, was almost entirely sunk. They, by their wisdom and good management, soon restored the public credit of the nation, and they have since paid off as much of the public debt as it was possible, without loading the people with some new or additional taxes.

If we had kept up no army; if we had kept up no navy; if we had been put to no expence by the ambitious projects of foreign princes, I shall admit, Sir, that a much larger share of our public debt might have been paid off, and, perhaps, many of our heavy taxes abolished. But will any one say, that at any time for this twenty years past, it would have been prudent or safe to disband our army? Will any one say, that we ought to have left our navy to rot and fall to decay? Will any one say, now that we so sensibly feel a want of seamen, that we ought not always to keep a large number of seamen in pay? Will any one say, that when we were threatened with an attack, we ought not to have provided for our defence? By so doing, Sir, we have always prevented the attack, and thereby preserved our domestic tranquillity for these twenty years past; and surely it will be allowed, that it is both safer and cheaper to prevent than to repel an invasion.

Therefore, Sir, if a greater share of our public debt has not been paid off; if none of our heavy taxes have been abolished, it is not owing to any mismanagement in our ministers, but to the public necessities, which annually required a larger expence than had been foreseen. If our ministers

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had taken upon them to be sole judges of those necessities, there might have been some pretence for finding fault with their conduct; but they have regularly laid these necessities before the parliament, and have never put the nation to one shilling expence, but what has been previously authorised, or afterwards approved of by a majority in both Houses; therefore an enquiry into their conduct upon this head, may properly be called an enquiry into the conduct of parliament, and if you should give sentence against the former, it will be a condemnation of the latter, which, with regard to the respect due to parliament, may have a very bad effect upon all degrees of men in this kingdom.

Now, Sir, with regard to the present posture of affairs at home and abroad, I shall grant, it is a misfortune to this nation to be involved in a war with Spain: I shall grant it is a misfortune to Europe, to have so many of its princes united for destroying that balance of power upon which their own independency, at least the independency of all of them but one, most absolutely depends. But can either of these misfortunes be imputed to any misconduct in our ministers? Our being involved in a war with Spain, is owing to nothing but the pride, haughtiness, and obstinacy of that nation. Did our ministers advise his majesty to declare war against Spain without a cause? Did they precipitate the nation into that war, without having first tried every method for obtaining satisfaction by peaceable means? We all know that their backwardness in commencing hostilities was exclaimed against by many in this nation, and even by those who now endeavour to load them with the misfortune of our being involved in war. Thus, Sir, if ministers pursue pacific measures, their conduct is found fault with, and if they pursue warlike measures their conduct is found fault with; if they provide for our defence at home, and thereby prevent an attack, their conduct is found fault with, on account of the expence; and if, by their neglecting to provide for our defence, the nation should be invaded, their conduct would certainly, and, I am sure, with more reason, be found fault with. This, Sir, makes me think, it is not so much their conduct, as their continuing to be our ministers, that is the real ground of complaint; and this will be a ground of complaint against all future, as well as against our present ministers; for no man that serves the crown will give up his employment, as long as the king inclines he should keep it, and desires nothing of him, inconsistent with his honour, or the good of his country, which, it is well known, his present majesty will never desire of any man that serves him; and this, perhaps, makes gentlemen so fond of getting into employment, but it is, in my opinion, an ungrateful return in gentlemen, to endeavour to distress his majesty's affairs, in order to force themselves into his service.

Thus, Sir, I think, it must appear, that no one who has the honour of having a share in his majesty's councils, can be blamed for the misfortune of our being involved in a war with Spain, and as little can they be blamed for the present unhappy state of affairs in Europe, which is entirely owing to one of these two causes: either to a fatal, I may say, frantic ambition in some of the princes of Germany, who, rather than not extend their dominions, seem resolved to render themselves dependent upon the crown of France; or it is owing to an unaccountable obstinacy in the court of Vienna, who, rather than do justice to their neighbouring princes in Germany, seem resolved to bring themselves, and the whole German empire, into a sort of subjection to his most Christian majesty. Which of these two causes the present misfortune of Europe is owing to, I shall not pretend to determine; but let it be which it will, our ministers cannot be blamed. It was not, it cannot be supposed to have been in their power to govern the ambition of the princes of Germany, or to overcome the obstinacy of the court of Vienna.

I hope I have now shewn, Sir, that neither the difficulties we labour under, nor the present dangerous situation of affairs, can afford any presumption of misconduct in those, who for some time past, have had the honour of being in his majesty's councils; and as no particular crime has yet been charged against them, nor the least proof offered of any fact, if there are any suspicions without doors, those suspicions can have no solid foundation, and ought not therefore to have such weight within doors, as to lead us into a parliamentary inquiry, which is always troublesome, and, at this juncture, would be extremely dangerous. If this nation be in distress, if the affairs of Europe be in distress, as they certainly are, it should be an argument with us to avoid all personal altercations and animosities, and to

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unite heartily among ourselves, both in council and action, for retrieving affairs both abroad and at home. The case of this nation, the case of Europe, is not yet, thank God! so desperate, but that both may be restored, if proper remedies be speedily applied. Our public credit is yet in a flourishing condition: We may yet raise large sums for the support of a necessary war; and if the tranquillity of Europe be restored, and established upon a solid foundation, we may soon pay off old arrears, as well as what we may be obliged to contract for that salutary purpose. The confederacy formed against the queen of Hungary is so unnatural, that it must of itself be dissolved, unless the princes of Germany be kept firm to France, by seeing it impossible or dangerous to break from her. This may be prevented, if we immediately unite amongst ourselves, and interpose with the whole strength of the British nation; but if, like ignorant and contentious physicians, we sit accusing one another of mal-practice, the patient may expire in the interim.

I must, therefore, conjure gentlemen to give over all personal animosities, and think of nothing but giving his majesty that advice, and those aids, which may be thought proper and necessary for providing against the calamity that threatens us. If any thing has been done amiss, we may soon find a proper time for inquiring into it, but the present is far from being so; and if no immediate inquiry be designed, we have no occasion for referring any papers to the consideration of a select committee; for I cannot agree with my honourable friend in thinking, that every important paper, or parcel of papers, that are, or may be laid before the House, should be referred to a select committee. If this were laid down as a rule for our conduct, we should have time to do nothing, but to hear and consider the reports from such committees. It would therefore be impossible to observe the rule, and it has never been the practice. When gentlemens' curiosity prompts them to desire a sight of any papers of state, they move for having them laid before the House, and their motion is always complied with, when consistent with the public safety. When the papers thus called for are laid upon the table, they examine them: If they find nothing material, their whole design is answered; but if they find any thing they think worth the notice of the House, they acquaint the House with what they have observed, and if a majority be of the same opinion, the House either enters into the immediate consideration thereof, which they may easily do, because the papers are upon the table; or refer the whole to the consideration of a committee, perhaps a select committee.

This, Sir, is the usual method of proceeding in such cases, and as no observations have been made upon any of the papers referred to in this motion, nor any one fact mentioned from them for inducing us to take any of them into our consideration, I must suppose, that those gentlemen who have perused them, for I confess I have not, have found nothing in them, they think worth the notice of the House; and if they have not, I can see no reason why we should give any committee the trouble to peruse and examine them.

But, besides seeing no reason for refering these papers to a select committee, there are, I think, strong reasons against it. If this motion should be complied with, it will immediately spread an opinion abroad, that instead of taking proper measures for the time to come, we are going to enter upon an inquiry into past measures; this will certainly raise divisions amongst us, and may produce a civil war in the kingdom, or at least a breach between his majesty and his parliament, which will of course disable us from giving our friends abroad any assistance, or interposing any manner of way in the affairs of Europe; and the consequence of such an opinion's being spread abroad, may be most fatal. The princes now united in an alliance with France, will then see it impossible to break off from that alliance: the other princes and states of Europe will see it impossible to form any confederacy, capable of giving a check to the designs of France: the queen of Hungary, despairing of any relief or assistance, will immediately submit to such terms as France shall please to prescribe; and the court of France, being free from the fear of controul, will set no bounds to their ambition. Suppose their present chief minister should be moderate in his views; suppose he has no other intention than to reduce the power of the House of Austria, without adding to the power of the House of Bourbon, yet in such a case, it would be impossible for him to stem the torrent of French ambition, or to govern a court where that passion has always so much prevailed.

The spreading such an opinion abroad is, therefore, Sir, what we ought most

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carefully to prevent; but if this motion should be agreed to, it would be impossible to prevent a most strict inquiry, and a most violent prosecution's being set on foot. There are many gentlemen, I hope, both within doors and without, of a moderate disposition, and such as have a greater regard for the safety of the public than for any personal resentment. Those gentlemen may, as yet, be able to govern and moderate the temper of the nation, or, at least of this House; but if a select committee were once named, I am afraid, it would be out of their power. That committee would think it incumbent upon them to do something: The papers now proposed to be referred to them would give them an inclination to see others, and those again would make them think it necessary to see more, till they had got all the state papers, even the most secret, before them; and in order to succeed in all their motions for this purpose, and to have their report approved of, they would endeavour to raise, and would probably succeed in raising a most violent and revengeful spirit, both without doors and within, which might fall heavy upon some innocent men, as well as upon the guilty. The former, his majesty would certainly, from his known justice and resolution, endeavour to protect, and what might be the consequence of such a contest God only knows.

Thus, Sir, as I can see no reason for this motion: as, I think, it would be attended with the most dangerous, the most fatal consequences, I must therefore be against it, and hope the hon. gentlemen will not insist upon their motion; for even their insisting upon it may have a very bad effect upon his majesty's negociations abroad.

Mr. *Alexander Hume Campbell:*

Sir; the hon. gentleman who spoke last, has made me consider the motion now before you with great attention, and that the House may do the same, I desire it may be again read by the clerk at your table. [The Motion being read, he went on thus.] I cannot conceive, Sir, how the hon. gentleman could from this motion take occasion to talk of inquiries or personal piques and resentments. Is there any word, is there any expression in the motion, that seems to insinuate, as if an inquiry were intended, or that can be thought to carry any personal resentment? If an hon. gentleman near him had talked so upon this question, I should not have been surprised, because, I believe, there is nothing he dreads so much; and when one's mind is strongly possessed with the fear of any thing, the imagination often presents the phantom when there is no real appearance; but as I am convinced, the hon. gentleman who spoke last can dread no inquiry, with respect to himself at least, I am amazed how this question came to present to his view the phantom of an inquiry.

Sir, there is nothing more in this question, nor, I believe, any thing more intended by it, than a proper examination of those papers, which were certainly called for with the design of having them properly examined; and as they cannot be properly examined without referring them to a select committee, I hope to shew such reasons for our complying with the motion, as cannot be supposed to proceed from any personal resentment, but I must beg leave to say a word or two about inquiries in general, which the hon. gentleman has represented in so hideous a light. He has told us, Sir, that parliamentary inquiries always raise divisions, heats, and animosities, and have sometimes raised a civil war in the kingdom. On the contrary, I will venture to affirm, from the whole tenor of our history, that the preventing or opposing of a parliamentary inquiry has always had that effect; and that the giving way to a parliamentary inquiry, when the majority of the nation called for it, never raised any. The rebellion at the beginning of the late reign, was not occasioned by the parliamentary inquiry then set on foot, but by a Jacobite spirit which at that time but too universally prevailed in the nation. Whatever transgressions the former ministers had been guilty of, they had found means to set themselves at the head of a very numerous and powerful party in the nation, who were attached to them, not by bribery and corruption, or any selfish view, but from a real, though very wrong principle. That party wanted nothing but a head for flying to arms, and the inquiry, indeed, furnished them with what they wanted. But is this the case at present? Can it be said, that our present ministers have any party attached to them from principle? They have no party but such as are attached to them from motives of self-interest, and as soon as you take from them the distribution of the loaves and fishes, their followers will desert them of course.

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We have therefore, Sir, nothing to fear from setting up a parliamentary inquiry, but a great deal from our neglecting it. The whole nation, at least all those who dare speak their minds, call loudly for it, and if it should be prevented, or defeated by a court majority in parliament, it will raise a general disaffection to our government. Will our friends abroad put any trust or confidence in such a government? Can our enemies dread any thing from such a government? Sir, it is well known, both abroad and at home, that an unpopular government in this kingdom never did, nor, I hope, ever can act with vigour or spirit. I say, I hope, it never can; for this must be the case as long as there is the least relic of liberty amongst us. All those fatal consequences therefore, which the hon. gentleman has been pleased to prognosticate from our entering upon an inquiry into our late conduct, may more naturally, and more reasonably be prognosticated, nay, must necessarily ensue, from our not giving the nation the satisfaction they expected from this new parliament. Our friends abroad will despair: our enemies will rejoice. For this reason, Sir, so far as I can judge at present, I shall give my vote for an inquiry as soon as it shall be proposed; and I shall be for carrying it through with all possible strictness, without any personal prejudice. I have no resentment against any but those who are suspected of being the enemies and betrayers of their country, and against such I shall always have a resentment, till I see them cleared by an honest and fair inquiry.

But I beg pardon, Sir, for taking up so much of your time upon this subject; for the present question is not about an inquiry, it has nothing to do in the debate; much less with admonitions against personal piques and animosities; for from what is now proposed, no man can fear a personal attack, unless he be conscious, that from these papers something criminal in his conduct may be discovered; and I hope no member of this House will refuse doing his duty towards his sovereign, for fear some crime should thereby be discovered in any minister. I say, doing his duty towards his sovereign, Sir, for whether we shall do so or no, is the question, and the only question now before us. His majesty, in his most gracious speech from the throne, has expressly required our counsel and assistance; can we give him either without first knowing how? Can we know how, without first examining into the present state of affairs both abroad and at home? Would not a physician be a madman, to prescribe to a patient, without first examining into the state of his distemper, the causes from which it arose, and the remedies that had before been applied? This is our case at present. His majesty has desired our counsel: if he had not, we are bound to give it, considering the present melancholy state of affairs; and for this purpose we ought to examine into it as narrowly as we can.

I have not, Sir, perused many of the papers mentioned in this motion: neither shall I, unless this motion be agreed to; for who would peruse such piles of papers, without an expectation at least, that his perusal might probably be attended with some good effect. But from the very titles of them, I can see, that it is absolutely necessary to have all these papers, at least, narrowly looked into, before we can know any thing about the political distemper which at present threatens the liberties of this nation, as well as the liberties of Europe, with an immediate dissolution. We are by treaty obliged to assist the queen of Hungary against the French and Bavarians, because they directly attack the Pragmatic Sanction; but we are not obliged by treaty to assist her against the king of Prussia, because he asserts only what he pretends to be the ancient rights of his house. We are therefore both in honour and justice obliged to inquire into the foundation of this dispute; for if Prussia's claim be just, and the queen of Hungary obstinately refuses to do him justice, it will free us from the engagement we are under, of assisting her against the French and Bavarians; because, though we have guaranteed the Pragmatic Sanction, yet if she by her obstinacy makes it more difficult and dangerous for us to perform that guaranty, than it would have been otherwise, it frees us both in equity and honour from that engagement.

This, Sir, must shew how absolutely necessary it is for us to examine strictly into the contents of the letters, memorials, and papers presented to us, before we can give any advice to his majesty, with regard to the present state of affairs in Europe; and particularly, Sir, I must mention the treaty between his majesty and the queen of Hungary, dated at Hanover, June 13, 1741. Surely this



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treaty, with every paper, previous and consequent, relating to it, ought to be examined in the strictest manner, before we can judge how matters stand between us and the queen of Hungary.

Then, Sir, with regard to our war with Spain, as there have been many disputes between France and us, on account of that war, and as its continuance very much depends upon the impartial as well as neutral behaviour of the French, we ought certainly to examine carefully the papers, before we offer any advice to his majesty, relating to the future conduct of the war. The case may stand between the king of Prussia and queen of Hungary, so as to free us from any obligation to assist her; but if it should appear, that the French have assisted the Spaniards as much as they could in an underhand manner, we may from thence judge, that they will declare openly against us, as soon as they have settled the affairs of Germany to their mind. This should make us, without any other consideration, resolve to assist the queen of Hungary in the most strenuous manner, let the consequence be what it will. Nay, I do not know, but that it should make us immediately declare war against France; for it would be better to declare against her, whilst she is engaged in war with the queen of Hungary, than to wait for her declaring against us, after she has reduced the queen of Hungary to her own terms.

These arguments, I hope, the hon. gentleman cannot say proceed from any personal resentment. It is not possible for any one to suppose, that a parliamentary prosecution would be the consequence of this motion, without first supposing, that our ministers have been guilty of some criminal sort of conduct; and this is a supposition which I shall not make, lest the hon. gentleman should say, it proceeds from particular prejudice: surely the parliament may offer advice, and take the proper methods for being able to do so, without setting up an inquiry. None of the arguments he has made use of against an inquiry can, therefore, operate in the least against this motion, which tends merely to enable us to perform, as we ought, that duty his majesty has required of us; and the sooner we set about the performance of that duty, it will be the better both for ourselves and our friends. The public affairs of this nation have, for many years past, been solely directed by his majesty's inferior councils, for his great and supreme council has never once offered any advice, but such as was dictated by the minister: both the affairs of this nation, and the affairs of Europe, are at last brought into the utmost distress: whether the advice his majesty has received from his inferior councils has any way contributed to this distress, I shall not pretend to determine; but it is certain, their advice has not prevented it, nor have they applied so much as one remedy, though the distress has been apparent for above this twelvemonth. It is therefore high time for his majesty's great council to interpose with its advice. From such an interposition our friends will conceive hopes, our enemies apprehensions.

This, Sir, makes me extremely solicitous about the success of this motion; because the fate of Europe, as well as of this nation, in a great measure, depends upon it. If this motion be agreed to, I shall expect to see the queen of Hungary continue to resist the torrent of enemies that have broke in upon her, with that surprising firmness of mind she has hitherto manifested: if this motion should be rejected, especially if by a great majority, I fear, it may have a most mischievous effect upon her councils, by making them despair, and consequently submit; I shall therefore heartily give my affirmative to the question.

Mr. *Winnington*:

Sir; whatever gentlemen may pretend, it is evident, that the motion now under our consideration, must produce an enquiry, and a very general one too. You are desired to appoint a select committee, and, I suppose, the next motion will be to make it a secret one; to do what? To examine the several papers mentioned in the motion, and to report what they may think material in them. Is not this a motion for an enquiry into the affairs which those papers relate to? It is certainly therefore a motion for a particular enquiry. But can any one imagine the enquiry will cease there? An enquiry into those affairs will naturally, and even necessarily, produce an enquiry into other affairs, and those again into others; so that the enquiry will, at last, become general, and may extend itself farther back than most people now dream of; for there is such a concatenation between state affairs, domestic and foreign, precedent and subsequent, that it is impossible to judge of one without a thorough

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insight into all the rest, till you arrive at a certain crisis, when the whole affairs of the nation began to take a new turn, which probably will be as far back as the accession of his late majesty to the throne.

Whether we can find twenty-one persons in this House, fit to be intrusted with all the secrets of our government, is what I very much question, but this I am sure of, that when a secret committee is once named, and invested with the usual powers, no one can tell how far they will go. The mind of man is naturally curious, and fond of diving into secrets, especially when they think they may thereby raise their character, pursue their interest, or gratify their resentment. We may therefore suppose, that this secret committee will extend their enquiries as far as possible, and that in every report they make, they will refer it to some affair not yet enquired into. This will give them a pretence for desiring an extension of power, and as the majority of the House will probably be as curious as they, their desire will be readily granted. Thus the House, instead of putting a stop to their progress, will probably encourage it, and his majesty can put an end to it no other way than by a dissolution or prorogation, either of which would throw all things into confusion. From whence we may see, that our agreeing to this motion must necessarily terminate in a general enquiry into the conduct of our public affairs, for God knows how many years past; and this, besides discovering all the secrets of our government to our enemies, would certainly raise great animosities and heart-burnings amongst us, which at a time when we are in open war with Spain, and when the liberties of Europe stand so much in need of our assistance, might be attended with consequences which I tremble to think of.

A civil war, Sir, is in itself a most terrible evil, but considering the present circumstances of things, that would be one of the least evils we should have to fear; for while we were engaged in cutting one another's throats, the liberties of Europe would be undone, and the nation itself would fall a prey to its most ancient and most inveterate enemy. That an enquiry into the past conduct of our public affairs would have such a tendency, has, I think, been confessed by those who have spoke in favour of this motion. It has been allowed, that the inquiry at the beginning of the late king's reign, furnished a head for the disaffected party; and that this was the cause of the rebellion must likewise be allowed, for without a head, the disaffected, or if you please, the party attached to the former administration, could never have had recourse to arms. How are we sure, that an enquiry at this time may not produce the same effect? It is *gratis dictum* to say, that no man is attached to our present administration but from motives of self-interest: I might as well say, that none but Jacobites and republicans are against it.

All those who approve of our public measures, and are convinced that nothing has been done amiss, must be attached to the government from a principle of justice, and would, nay ought to stand up against their being unjustly condemned by a prevailing faction in parliament; we are not therefore to suppose, that our present ministers would be deserted by all their friends, upon a censure's being unjustly passed against them in parliament. And as secret committees generally pique themselves upon finding fault, and upon getting their opinion approved of by a majority, such a censure would probably be the consequence of an enquiry, which might put the friends of our ministers upon defending them by arms, since they found they could not defend them by a majority of voices in parliament.

To this I must add, Sir, the danger of his majesty's being prevailed on to think, that the prosecution of his ministers proceeded from a Jacobite or republican spirit in parliament, and that though the attack was first made upon his ministers, it was principally designed against himself, or against the most essential prerogatives of his crown. This belief his majesty may the more easily be brought into, from the example of the parliament of the year 1640. That parliament, or at least the principal leaders of it, had certainly, from the very beginning, a design against the crown itself, but they covered their design under the cloak of a desire to punish guilty ministers, and a zeal for that very constitution which they intended to destroy. They attacked the king's ministers, and those ministers, perhaps, deserved the attack, but the consequence shewed, that their chief design was against the crown. In this, it is now certain, they were encouraged by the court of France, and some of them, perhaps, were bribed by French gold. May not the same thing happen again? May not the majority of this House be influenced by a Jacobite or republican spirit, supported by French promises and

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French gold? If this should happen to be the case, his majesty would be obliged to defend himself and his ministers by force of arms; and suppose this were not really the case, yet if his majesty supposed it were, the effect would be the same.

We should therefore, Sir, be extremely cautious of going upon an enquiry into the conduct of ministers, unless we have some very strong proofs of their being guilty, and such as may give our sovereign reason to think they are so. Such proofs are necessary not only in justice to our ministers, who ought not to be subjected to the trouble and danger of a trial, without any sort of proof, but also in respect to our sovereign, and in order to prevent his having any suspicion, that the enquiry proceeds from disaffection to him, or from a concealed design against his crown and dignity. Such a caution is necessary at all times, but especially at present, on account of the circumstances of our affairs, both domestic and foreign. With regard to our domestic affairs, it is well known, that there is still a very strong spirit of Jacobitism in the country, and therefore, when a spirit of enquiry prevails in parliament, the king has reason to believe it proceeds from a spirit of Jacobitism, unless by the proofs upon which that enquiry is founded, he should be convinced, that there are very good reasons to suspect his ministers having been guilty of misconduct. Then with regard to the circumstances of our affairs abroad, we are in open war with Spain, and upon very bad terms with France, because of her apprehensions lest we should defeat her ambitious designs in Europe, by giving effectual assistance to the queen of Hungary. A dissension between his majesty and his parliament would prevent our being able to prosecute the war against Spain with vigour, or to give any disturbance to the projects of France: it is therefore the interest of both, to raise, if possible, such a dissension; and for that purpose to procure an attack upon the best ministers of the crown. This his majesty has, at this time especially, great reason to be jealous of; and if he should see any of his ministers attacked in parliament without proof, without so much as an allegation of any particular criminal fact, would not he have great reason to conclude, that the attack proceeded from French and Spanish gold, and that according to the old maxim, *principiis obsta*, he was obliged, both for his own safety, and the safety of his kingdoms, to stifle it in its infancy.

But the inquiry now proposed is not, it seems, with a design to attack any of his majesty's ministers, or to discover any crimes or oversights in their conduct, but merely to enable us to give his majesty our counsel and advice upon the present posture of affairs. Sir, if the advocates for this motion have such a knowledge of our ancient constitution as they pretend, they must know, that to counsel or advise is the proper business of the other House: our business is to consent: our very writs shew, that this is our proper province; and therefore, I think, we ought not to be forward in offering our advice, except when it is particularly and expressly asked by his majesty. In his Speech from the throne his majesty has, it is true, told both Houses, for this part of the speech is addressed to both, that the posture of affairs makes our counsel and assistance necessary. Whether these two words ought to be taken jointly or separately is the question? According to our ancient constitution, they ought to be taken separately: the word counsel ought to be supposed to be directed to the other House, and the word assistance to this. The Peers are to advise such measures as they think necessary: the Commons are to assist by granting such sums as are necessary for carrying those measures into execution. But suppose the words were to be taken jointly, we are not from hence to conclude, that we are to determine what points we are to give our advice upon. We ought to suppose, that his majesty will afterwards communicate to us, by message, the points upon which he desires our advice; and when he does so, he will certainly order all the necessary papers to be laid before the House, or if they are of so secret a nature that they ought not to be laid before such a numerous assembly, he will desire us to appoint a secret committee for inspecting such papers as he may think fit to communicate. To wait for such a message would be acting in our proper sphere, and with due respect to our sovereign, agreeably to our ancient and real constitution. To act otherwise, would be a breach of our duty to our sovereign, and such an incroachment upon our constitution, as might at this juncture be of the most dangerous consequence to the liberties of Europe, as well as the liberties of our native country.

After what I have said, Sir, I believe, I may freely declare, that I neither think it my duty, nor do I think I have any call to

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examine how affairs stand between us and the queen of Hungary, and much less between her and the king of Prussia; nor do I think we ought to examine how matters stand between France and us with regard to our war with Spain. When his majesty desires our advice, it will then, and not till then, be necessary to examine the papers already laid before us, or such as may hereafter be laid before us, relating to any of the points upon which that advice is desired; and if his majesty should require it, but not otherwise, I shall be for appointing a select and secret committee for examining into such papers as his majesty tells us are not proper to be divulged to the whole House.

Thus, Sir, it must appear, that if the motion now before us be designed as a foundation for an inquiry into the conduct of our ministers, it ought not to be complied with; and if it be designed only as a step towards enabling us to give his majesty our advice, it is too early. Let us examine it therefore in what light we will, it appears to be improper. This is my sincere opinion of it, and for this reason, I hope the hon. gentleman will excuse me, if I give my negative to his motion.

Sir *Watkin Williams Wynn*:

Sir; if the House were to be directed by such reasoning as an hon. gentleman has made use of against this motion, we should never inquire into the conduct of any minister, nor into the state of any public affair, foreign or domestic, but when the minister should please to give us leave; I say minister, Sir, for there has always been a sort of gentlemen in this House, who make use of the word sovereign instead of minister, in order to give an appearance of reason to an argument which would otherwise appear in itself ridiculous. To confirm what I say, I shall repeat the arguments which the hon. gentleman has made use of, and by substituting the word minister, which is the only proper word to be made use of in this House, when we talk of any public affair, instead of the word sovereign, you will then see his arguments in their true light.

He says, we ought never to inquire into the conduct of ministers, or to speak more properly, of one sole minister, unless we have such proofs against him as must convince that minister of his having been in the wrong; and the reason for this, he says is, lest that minister should suspect, or rather pretend, that the inquiry into his conduct proceeded from a jacobite or republican spirit, or from the influence of foreign gold. Sir, upon such a principle could the parliament ever inquire into the conduct of any minister? A minister may be conscious of his crimes or misconduct; but could the parliament, previous to any inquiry, ever have such proofs against him, as would induce him to confess his having been weak or criminal? If the weakness of his conduct were from its effects apparent to the whole nation, he would pretend, that those effects proceeded from accidents that could not be foreseen nor provided against, or from the ambition, obstinacy, or weakness of foreign courts, and not from any weakness in the measures he had pursued. Suppose we had positive evidence against him: suppose we had letters under his hand, for proving his having been guilty of the most treasonable practices; a guilty minister would pretend, that the letters were forged, or that the witnesses were jacobites, or republicans, or bribed by foreign gold, and therefore not to be credited. In short, Sir, the more guilty a minister is, the more positively, the more arrogantly, will he insist upon his innocence, and that therefore he ought not to be put to the trouble of defending himself against a parliamentary inquiry. Thus we must never inquire into the behaviour of any minister while he continues in that station, unless it be at his own desire, and with a view to justify and applaud his wisdom and conduct; nor into the behaviour of any discarded minister, unless it be to satisfy the revenge of some succeeding one; and what a pretty ministerial tool this argument would make of a parliament, I shall leave to the consideration of those gentlemen who make use of it.

For my part, Sir, I shall always be of opinion, that the least suspicion of wickedness, the least suspicion of weakness, in the conduct of any public affair, or in the conduct of our public affairs in general, is a sufficient foundation for a parliamentary inquiry. Nay, such inquiries ought to be often set on foot, even when there is no suspicion of any misconduct. Shall a minister say, I have been a very honest and faithful minister, and therefore I ought not to be put to the trouble of having my conduct inquired into. Sir, a steward may as well say, I have been a very honest man and a good steward, and therefore ought not to be put to the trouble of passing my accounts. Every gentleman knows, that the proper, and indeed the only way to keep a

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steward honest, is to make him frequently pass his accounts. A good steward will desire it, and so will a good minister; for a minister is but a steward for the public; and therefore when I find a minister using all his art to evade or prevent a parliamentary inquiry, it will always give me a suspicion of his conduct, and consequently will with me be a prevailing argument for setting up immediately an impartial and strict inquiry. This, Sir, was the maxim of our ancestors: by this maxim they have handed down to us our liberties and properties. Without this maxim we shall hand nothing down to our posterity, but slavery and poverty.

A civil war, I shall grant, Sir, is a terrible misfortune; but it is far from being the most terrible; for I had rather see my country engaged for twenty years in a civil war, than to see it tamely submit but for one year to ministerial bondage; therefore, if this country should ever be reduced to the fatal dilemma of being obliged to give up its liberties, or engage in a civil war, I hope no true Briton would balance a moment in his choice. Thank God! this is not our case at present. I hope the fate of this question will shew it is not our case; for from our inquiry into the conduct of our present ministers, no civil war, I am sure, can ensue. If they are innocent, an impartial inquiry will justify their conduct. To suppose otherwise, would be offering the highest indignity to this House, which has never impeached, nor passed any censure upon a minister without a justifiable cause. If our ministers are guilty, they ought to be punished, and his majesty has too much wisdom to think of protecting a guilty minister against the justice of the nation. To suppose otherwise, would be offering the highest insult to the crown.

What motives gentlemen may have for being attached to our present ministers, I do not know, nor shall determine; but when gentlemen possessed of posts which they got by his favour, and perhaps hold at his pleasure, are almost the only persons that appear in his vindication; the presumption militates strongly against the disinterestedness of their behaviour, as well as against the uprightness of his conduct; and whatever such gentlemen may pretend, if his majesty should give his minister up to national justice, I believe, no man in the kingdom apprehends, that any of them would attempt drawing their swords in his defence. The danger of a civil war is therefore not in the least to be apprehended from a fair inquiry into our minister's conduct; but considering the suspicions and expectations of the people, if this session of parliament should end without such an inquiry, a civil war may very probably be the consequence. The people will not, but his majesty may suppose, that our neglect to inquire proceeds from our opinion of his innocence. The people feel the effects of his misconduct, and may, perhaps, feel them every day more and more: This will make them imagine, that our neglect to inquire proceeds not from our having a good opinion of his conduct, but from our having a share in his plunder. On the other hand, his majesty neither does, nor can feel those effects: At least he cannot feel them till it is too late to prevent the consequences; and as he has a good opinion of his parliament, he will naturally suppose the conduct of his minister to be wise and upright, because his parliament has neither condemned it, nor so much as inquired into it. Thus his majesty may be prevailed on to continue him at the head of the administration, notwithstanding the people's being generally convinced, that he is every day undermining their liberties, by means of a venal and corrupt parliament; and if this should be the case, I must conclude, that a civil war will certainly ensue, or I must form a much more disagreeable conclusion, which is, that the people of this country have so much degenerated from the virtue and courage of their ancestors, that they chuse rather to submit tamely to slavery, than to run the risk of asserting their liberties by the sword.

A republican and enthusiastical spirit joined together, was, it is true, Sir, the ultimate cause of the ruin of king Charles the first, but it was far from being the original. The first and original cause of the ruin of that unfortunate prince, was his allowing himself to be governed, for the first fifteen years of his reign, by ministers that were hateful to the people, and protecting those ministers against all inquiries and prosecutions in parliament. By this means he raised and fomented a republican spirit in the nation, to such a degree, that the people would not be satisfied with the sacrifice of a few. They had conceived such a jealousy of the power of the crown, by the ill use his ministers made of it, that nothing would satisfy them but a diminution of that power; and his taking arms in defence of that power, and

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in opposition to the prevailing spirit of this nation, was what brought him at the last to the fatal catastrophe he met with: His untimely end ought to be a warning to all future ministers, that have any regard to their master, to submit in time to a fair inquiry, or if they be conscious of guilt, to fly from that fate which such an inquiry must bring them to; and, I hope, it will be an example to all future kings of this country, to let their favour towards a minister have the same period with the favour of the people. In a free country the prince's favour ought to proceed from the favour and esteem a man has acquired among the people, and it must have the same period, or the liberties of the people must be overturned; for a free people will not be governed by a man they hate or despise.

This, we know, his present majesty is fully sensible of, and therefore we need be under no apprehensions, that he will obstruct an examination, or endeavour to protect a minister after he has been found guilty upon a fair inquiry into his conduct; but suppose we were so unlucky as to have a prince upon the throne, that would obstinately protect a weak or wicked minister against the justice of his parliament, and the resentment of his people, should we sit here, and patiently see the nation ruined by the minister's weakness, or our liberties undermined, and the people plundered and oppressed by his wickedness? Should we, I say, patiently bear this, for fear of involving the nation in a civil war? I hope, I shall never hear such a cowardly doctrine inculcated within these walls. It is a doctrine that breathes nothing but slavery, and such as will never, I hope, be harboured in the breast of any British subject.

The fears, therefore, which the hon. gentleman has been pleased to instill into us, are either fantastical, or they are such as no member of this House ought to allow to have the least influence upon his conduct, with regard to the present question. Suppose a general inquiry should be the consequence of our appointing the select committee now moved for: Suppose that inquiry should extend itself as far back as the hon. gentleman seems to apprehend, could it be of any bad consequence to the nation? On the contrary, it would be of great service, because it would shew our future ministers, that however quietly they might pass through the course of their administration, their conduct would some time or other be impartially inquired into; and as former administrations have not been free from suspicions, no more than the present, I hope it would be of service to them too, by convincing the world that those suspicions were groundless.

I hope I have now shewn, that the hon. gentleman's arguments against this motion are of no weight, even upon the supposition of its being intended as the first step towards a general inquiry; and his argument against it, upon the supposition of its being intended only as a necessary step towards enabling us to give his majesty proper advice in the present posture of affairs, will appear to be of no greater weight, especially, if by the same change of words, we state his argument in its true light. He has told us, that if we are to give any advice to our sovereign, for whether we ought to do so seems to him to be a doubt, we ought not to think of giving advice, unless his majesty not only desires it in general terms, by his speech from the throne, but likewise by message, directs us to the particular point upon which we are to give our advice. We all know, Sir, that speeches from the throne, and messages from the crown, are in this House supposed to be the speeches and messages of the minister; and therefore, to put this argument in the language of parliament, it will stand thus: 'Let us be never so fully convinced of our sovereign's being misled by his minister, we ought not to give him any advice, unless that minister points out to us by message, the subject upon which we are to give advice.' I hope it will be granted, Sir, that an address to remove a minister is a sort of advice, and often a very wholesome piece of advice, but according to this doctrine, we can never advise our sovereign to remove any minister.

I am really sorry, Sir, for being obliged to set the absurdity of this doctrine in such a strong light; but in justice to my country I could not avoid it. If we are never to advise our sovereign in any case, but such as is pointed out to us by his minister, no minister will ever desire the advice of parliament, but when he is assured they will advise just as he has before resolved, and such advice can never be of any service to the king, though it may be to the minister, by taking the odium of a bad measure off of his shoulders, and fixing it upon the parliament; but I hope I shall never see such a parliament in Great Britain.

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Now, Sir, with regard to the right we have, or the obligation we lie under, of offering our advice to our sovereign; as the hon. gentleman seemed to doubt of it, I hope I shall be indulged a few words upon the subject. To consult and advise is, I shall grant, the business and the duty of the other House, perhaps more properly than of this; but when the other House happens to be deficient in this respect, it is our duty to make good that deficiency. We must know better than the other House what may be agreeable or disagreeable to the people, and it is our proper province, to give our advice in favour of what we think will be so, and against what we think will be otherwise. But suppose we were in no case to advise, are not we to consent, and have not we a right to refuse that consent to any measure we think inconsistent with the public good? Is it not then our duty to examine every public measure, especially when it is attended with a public expence, which is the case at present? And can we examine it so as to determine whether we ought to consent to it or no, without strictly examining all the letters and papers that relate to it?

Suppose we should in this session be called on, as we probably may, to grant a sum of money for the assistance of the queen of Hungary; can we determine what sum to grant, without knowing how affairs stand between France and us, as well as between us and the queen of Hungary? For if we stand upon bad terms with France, we ought certainly be the more zealous, and to grant the more liberally, for the support of the queen of Hungary. Thus, Sir, it must appear, that even if we had no inclination to inquire into the conduct of past affairs, nor to advise about the conduct of future, yet still we ought to examine the papers mentioned; and as this cannot be done without referring them to a Select Committee, I shall therefore be for agreeing to the motion.

Sir *William Yonge*:

Sir; that this House has a right to refuse, as well as to give its consent, to every measure proposed to us by the crown, or recommended by the other House, is what no man will deny; but that for this reason we ought to pry into such secrets as relate to foreign affairs, cannot be admitted, because it would be attended with infinite prejudice to the public. As our business relates chiefly to domestic affairs, we ought to keep within that province unless his majesty communicates to us some foreign treaty, expedition, or transaction, in order to have our approbation, or assistance; and then we ought to content ourselves with such lights as his majesty may be pleased to furnish us with; for in all such cases his majesty will communicate the necessary papers, so far as is consistent with the public safety. From them we ought to judge, for we can judge from none other; and as the crown must be supposed to know more of foreign affairs than have been, or can be communicated to us; we ought to have a bias in favour of that which appears to be the opinion of the crown.

This, Sir, may perhaps, by some gentlemen be called a slavish doctrine; but it is such as will be followed by all who have a greater inclination to serve their country in parliament, than to find fault with the conduct of their sovereign or the conduct of ministers, call it which you will, for I do not know how to distinguish, unless it be, that we ought to impute to our sovereign every thing we think right, and to his ministers every thing we think wrong. With regard to domestic affairs, we have a much greater latitude; because we may more freely call for all papers relating to any such affair, and have greater reason to suspect that ministers will, in affairs of this kind, give such advice as may most conduce to their own private advantage. But it cannot be said, that the papers proposed to be referred to a select committee, have the least relation to any affair of this kind. If we should be desired to grant money for the assistance of the queen of Hungary, it will then be time enough to consider whether we ought to do so. For determining this question, I think we have no occasion to examine any papers of state, our common newspapers must convince us, that we ought to comply with such a demand; and as to the quantum of that grant, we must be convinced, that she stands in need of more than this nation can afford to give.

Sir, we can have no occasion to refer the papers mentioned in this motion to a secret committee, unless we have a mind to make that committee a committee of inquiry, and to enable them to inquire into the conduct of all our public affairs both foreign and domestic, for many years past. This I believe to be the real intention of the motion, and for this reason I cannot agree to it; because the establish-

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ing of such a committee at such a critical conjuncture, would be of the most dangerous consequence to Europe in general, as well as to this nation in particular. By this the whole frame of our government would be altered, and would continue so, during the continuance of that committee. It would be an establishing *imperium in imperio*, or rather a government set up by this House, distinct from, and superior to, our constitutional government; for this committee must either consist of such as are friends to the king's ministers, or such as are their declared enemies. If of the former, it would give no satisfaction to the people, and if of the latter, they would probably, in a short time, get the entire management of this House, and take upon them to accuse and imprison every minister at their own will and pleasure.

In short, Sir, I should expect to see the scene of 1641 acted over again. To see all his majesty's present ministers imprisoned or forced into exile, and every new officer he should name without their direction, with all those that appeared as friends to the crown, declared delinquents. What this confusion might end in, God only knows; but in such circumstances, I am certain, we could neither prosecute the war against Spain with vigour, nor assist in restoring the balance of power in Europe. Nay, we could not even defend ourselves: our plantations, with our possessions in the Mediterranean, would become a prey to the Spaniards, and the nation itself would, at last, become a province to the French, who might send the Pretender to us for a viceroy.

In the year 1715, Sir, we had no fatal consequences to fear from the secret committee then appointed. The nation was not engaged in any war, nor was the balance of power in danger. The committee was not to inquire into the conduct of the then administration: they were to inquire into the conduct of a set of ministers, who had most justly been dismissed by his late majesty, with the contempt they deserved. When the proposition was made for appointing a secret committee, it was evident from the complexion of the House, that it would consist of such as were friends to the then administration: consequently there was no confusion in our government to be apprehended; for as we were then situated, I do not think the rebellion was a fatal consequence, since the disaffected thereby furnished the government with an opportunity to crush them. If they had not declared themselves, they would have had a great influence upon all future elections, and by being joined by discontented whigs, might, before this time, have got a jacobite parliament, which would have brought our present establishment into greater danger than it could be by an open rebellion.

Gentlemen must thus see, Sir, that there is a very great difference between our present circumstances, and those of 1715; and surely no man will say, there is now the same necessity for an inquiry. I am one of those who think there is not the least occasion for it, and I am convinced there are many such in the nation. Suspicions have been most artfully propagated against our present administration, as there will be against all; and if I thought they could be removed by an impartial inquiry, I should be for it; but, I am sure, they cannot. Those suspicions are entertained by none but the disaffected and disobliged, and nothing, I know, will satisfy the former but a sacrifice of our present happy establishment; and the latter nothing but a sacrifice of our present ministers, whether they deserve it or no. A justification of their conduct, which would be the consequence of an impartial inquiry, would be so far from allaying the heats and animosities without doors, that it would increase them, and would be made a handle for raising suspicions against the honour of this House, as well as against the conduct of our ministers; and this, I hope, will prevail with the House to put a negative upon this motion.

Lord *Perceval*:

Sir; as this is the first time I have had the honour of offering my sentiments, I hope to meet with the indulgence of the House; and I do assure you, Sir, however great I may find it, it shall not induce me to be often troublesome.

I have the greater reason to intreat this favour, as I had not received the least previous intimation, upon what point the debate of this day was like to have turned. But I have endeavoured to supply this want of information, by a diligent attention to what has been urged on both sides of the question; and the state of the case before us appears to me in this light, that gentlemen on the one side suspect the conduct of the administration, and desire the assistance of this House to clear up those suspicions; while on the other side, the gentlemen in the administration, know-



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ing themselves suspected, labour all they can to prevent the House from affording that assistance.

Now, Sir, as I stand in this House by the favour of my constituents, as independent as any man can be, and as God has placed me in a condition of life to maintain that independence, I have nothing to induce me to be partial in this question. I am governed by no views of party: I am influenced by no prejudice.

On the one hand, those who suspect the conduct of the ministry, are not only warranted by the constitution to entertain suspicions of this kind, with regard to any administration, but urged by the universal voice of the whole nation to distrust the conduct of the present. They are farther warranted by the visible decay of trade, by the distress of all our foreign affairs, and by the ill success of a war, in which we have been above two years engaged, with great superiority of force, against a contemptible enemy: a war in which we have hitherto reaped neither honour nor advantage, and in which, from the manner of its management, we have no prospect of acquiring either, though none was ever supplied with greater liberality by the nation. Thus the gentlemen on one side of the question seem to act no other part than what is fair and just, essential to the honour of this House, and to the interests and expectations of their country.

Give me leave to review the conduct of the gentlemen who are thus unhappily suspected. These urge even these suspicions as an argument to excite their friends to support them, as in a case of great extremity; it is their great endeavour, to be left in the state of being still suspected. Is it possible that any man confident in his own integrity, innocent of what is imputed to him, should exert himself in such a manner, to prevent your receiving informations, which might tend to set his character in its true light? No, Sir, this conduct is by no means consistent with this favourable supposition. Ministers, how great soever they may be, know the importance of a good reputation: therefore it is impossible for any man in his conscience not to be convinced, from this uncommon struggle, that the papers now contended for, contain somewhat that will fix either guilt or error upon those who have engrossed the direction of the public affairs; and in either case, it is our duty to inquire, that we may be able to do justice to our country, or, at least, to prevent future mischief.

The necessity, therefore, of some inquiry being apparent, as well from the nature of the thing, as from the conduct of those who endeavour to prevent it, I shall take no farther time to enforce that point; but I must beg leave to answer the objections made to the manner of inquiry now proposed.

One hon. member has told you, that twenty one persons cannot be found among the members of this House, proper to be intrusted with so great a power; and yet, it seems, that one man may be found proper to be intrusted, for twenty years together, with the whole revenues, the sole direction of all affairs both abroad and at home, the sole power of this government without controul. The same gentleman has told us, that the Commons cannot delegate such a power to a committee. Upon other occasions I have also heard that hon. gentleman assert, that this was not a proper business for the House, who were too numerous to be trusted with those important secrets, which must, in consequence, be laid before them. If, therefore, neither the House ought, nor a committee can peruse the papers, necessary for an examination into the measures of a minister, the result is plainly this, that ministers must be left to act in what manner they think fit, without any apprehension of being called to account.

Another gentleman has said, that the authority of such a committee would be greater than any ministerial authority ever known in this or any other reign. I am very much surprised, that this gentleman should so soon forget the many instances of like nature, already urged in this debate; but I am more surprised, that he should not remember that famous committee, consisting of the same number, and invested with the same powers, appointed by this House at the beginning of the reign of the late king. Surely that hon. gentleman, whose friends seem to think him the object of this debate, will not forget it; for if I am not mistaken, he was himself chairman of it.

Gentlemen seem not to reflect to whom they speak, when they advance such doctrines. Sir, I am confident that the very youngest and most unexperienced member of this House knows, that no committee of any kind has power farther than to prepare matter for the House: That no act of a committee is of any force, till



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confirmed and ratified by the House: That its powers are derived from the House, and must revert to the House again; and God forbid! Sir, that the time should be now come, when they shall not be found greater than any ministerial authority known in this kingdom.

Men of sense, Sir, will not be frightened at these phantoms. Our constitution knows far greater powers; the Charter of king John directs, in cases of extremity, not that twenty one persons shall be appointed to inspect the public papers, and to report to this House the matter which they shall discover therein, but prescribes, that five and twenty persons may be appointed to take the regency into their own hands, and to exercise the highest functions of this government, in which the whole nation is required to maintain them, till the public grievances shall be totally redressed. This is a power which was not only prescribed, but often exercised in the reigns of king John, Henry the 3rd, Edward the 2nd, and Richard the 2nd. This is, indeed, a power of a very high nature, and which I should be very sorry to see exerted again in this country; but, perhaps, a proper use of that moderate power which we now contend for, may be the only means to prevent the necessity of having recourse to the other, hereafter.

Sir, I am sensible I have troubled you too long, but when I found a motion that is reasonable, so violently opposed; and as I see a great necessity for the inquiry itself, and nothing new or dangerous in the manner of that proposed, I shall heartily give my affirmative to the question.

There was, upon this occasion, the fullest House known for many years. The Debate being over, and the question put upon Mr Pulteney's motion, it passed in the negative by 253 against 250.

Then it was resolved to address his majesty for "copies of all Memorials, Representations, Declarations, and Letters, sent to his Majesty, or his ministers, by the king of Prussia, or his ministers; or by his Majesty, or his ministers, to the king of Prussia or his ministers; or such Letters as have been sent from hence to his Majesty's minister at the court of Prussia; with the respective Answers, relating to the state of the war in the empire, and the support and interests of the House of Austria, since the death of the late Emperor."

*Debate in the Lords on a Resolution concerning the Absence of Officers from the Garrison of Minorca.**] Jan. 27. The House proceeded to take into consideration the Papers laid before their lordships, relating to Minorca and Gibraltar, and

Lord Sandwich moved to resolve, "That as it appears to this House, by the List of the Officers belonging to the establishment of Minorca, that, out of 19 officers, only one adjutant, one of the joint secretaries, the provost marshal, one surgeon's mate, and the signal man, are attending their duty in the island; it is the opinion of this House, That the permitting so many officers to be absent, in time of profound peace, would be a great neglect of the public service, tending to the destruction of military discipline; but that the suffering them to be absent in time of war, at a juncture when the island of Minorca has been threatened with an invasion from the Spaniards, renders the possession of that important place precarious, and is highly injurious to the honour and interest of these kingdoms."

After debate it was ordered, That the said Debate be adjourned till to-morrow, and that major general Anstruther do then attend this House.

Jan. 28. The order of the day being read for resuming the adjourned Debate, and also a motion for the attendance of major general Anstruther, who, attending accordingly, was called in: and having been sworn, the List of the Officers belonging to the establishment of Minorca, laid before this House the 20th instant, distinguishing which of them are upon the place, and which of them are absent, was shewn to him; and he was directed to give an account of the persons absent, the nature of their offices and employments, and the reasons of their being so absent: and, having given an account thereof, was examined further, in general, as to the state and condition of the said island, the number and condition of the forces there, the manner and method of recruiting, and other matters. And then he was directed to withdraw. After which,

The Duke of *Argyle* rose and said:

My lords; when I consider the conduct of our ancestors upon the like occasions, the evidence of the neglect now under our consideration, the importance of the place so grossly and so evidently neglected, the fatal consequences that neglect has been attended with, and the more fatal consequences it

* From the London Magazine.

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might probably have been attended with, I must conclude, that no censure was ever more just, no censure was ever more moderate, no censure was ever more necessary, than that contained in the proposition now before you. The island of Minorca has in every circumstance been so much neglected for many years past, that I am surprised at its remaining still in the possession of Great Britain. The very despair which the poor soldiers were drove to by being kept so long in the island, without hopes of being ever relieved, was of itself sufficient to endanger the loss of that valuable possession; for I wonder it has not before now made them mutiny, and deliver the island up to the Spaniards. It is happy for us that our countrymen have generally a greater love for their native soil, and a greater contempt of foreign countries, than most other people have; for it is this only, in my opinion, that has preserved to us the possession of Minorca, and perhaps Gibraltar likewise. Considering how ill the garrisons of both these places have been treated, how long they have suffered under that treatment, what little hopes they had of being ever relieved, and what encouragement they had reason to expect from the enemy, it is surprising to me that both have not before now been delivered up to the Spaniards, either by a mutiny among the soldiers, or by the treachery of some of the inferior officers; but as such mutiny or treachery would have disabled them from ever returning to their native country, which they most earnestly wish for, and would have obliged them to live among Spaniards whom they most heartly despise, this alone, I believe, has prevented their being guilty of it.

Whilst they have any hopes of returning to their native country, these hopes, my lords, will still prevent such a fatal effect; but if the regiments in garrison there should begin to lose all hopes of being ever relieved, if they should begin to look upon themselves as fixt there for life, it may very probably produce such an effect, or it may induce them to make but a faint resistance in case an enemy should come to attack them; and the absence of so many officers necessary for the defence of the place may furnish those that are there with an excuse for that faint resistance. By such means the place might be lost, without leaving it in our power to punish those that were immediately the occasion of it. They would perhaps be made prisoners by the enemy, and would of course be set at liberty upon the conclusion of the next treaty of peace, which would furnish them with an opportunity they could never otherwise have expected, I mean that of returning to their native country; for as no slavery is admitted among Christian potentates, we could not inflict that punishment upon them, which Regulus advised the Romans to inflict upon the army under his command: If we did not exchange or redeem them during the war, the enemy would of course discharge them upon the conclusion of a peace; and upon their return we could not in justice punish them for suffering themselves to be relieved by an enemy, from that punishment, which had most unjustly been inflicted upon them by their country. I say punishment, my lords, for to keep any regiment at Portmahon longer than their turn of duty requires, I must look on as a sort of punishment. It is a 'Relegatio in Insulam,' which was one of the severest punishments among the Romans, especially when it was during life; and is a punishment which ought to be inflicted upon no man, unless he has been guilty of some very heinous crime.

We have had it proved at our bar, my lords, how ill the common soldiers brook their being kept so long from having a sight of their native country. Many of them have put an end to a wretched life, rather than continue longer in what they looked upon as an unjust and cruel exile: many others of them have maimed themselves, and thereby rendered themselves not only unfit for the service, but unfit for getting their bread at home, rather than continue longer in the place where they were; and the dearness of provisions, chiefly occasioned by the taxes and prohibitions arbitrarily imposed by the governors, must make it very inconvenient both for soldiers and officers confined to live in those garrisons. We may from hence see, how dangerous it is to trust the preservation of those important places to men who have no hopes of ever seeing their friends at home, as long as those places remain in our possession; and the frequent leave of absence given to the officers, and to such numbers of them at a time, must certainly add to this danger, because it adds to the discontent of the common soldier, who can never expect leave of absence, and renders his case more provokingly desperate.

The importance of the island of Minorca, with respect to our trade in every part of the Mediterranean, is in itself so manifest,

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and has been upon former occasions so clearly demonstrated to your lordships, that I need not say much for proving what is so universally known and acknowledged. It must be allowed, that our trade with Barbary, Turkey, Italy, and the coasts of France and Spain, situated in the Mediterranean, is of the utmost consequence to this nation; and to every one of these, our possession of Minorca is of great importance, because it not only affords our ships a safe and convenient port to refit or careen, and to refresh their men; but it renders our trade to every one of these places more secure, and more difficult to be disturbed or interrupted by an enemy. Ever since we had possession of this island, the corsairs of Algiers, Tunis, and the other piratical places upon the Barbary coast, have been more tractable, and more shy of breaking with us. They know how easy it is for us, not only to send a powerful squadron to the Mediterranean, but to keep it there, till we have compelled them to submit to our terms. This makes them afraid of breaking with us, and, if by chance they do, more ready to be reconciled: whereas, should we lose this possession, after having kept it so long, they would despise us more than ever they did heretofore, and would be ready upon every occasion to come to an open rupture with us. Consequently our possession of Minorca must render our trade in every part of the Mediterranean more secure than it could otherwise be; and when we happen to be at war either with France or Spain, this island will always be a great advantage to us, by affording a safe port for our merchant ships to run into, when chaced by privateers, and by enabling us to keep always, in the Mediterranean, a superior squadron for protecting our trade, and for infesting the enemies coasts, as well as destroying their privateers.

But, my lords, in case it should ever happen, as it probably may, that both France and Spain should unite in a war against us, the possession of this island would be of the utmost consequence to our trade in the Mediterranean: nay, in this case, it would be very difficult for us to carry on any trade in that sea without it; especially now that a son of Spain is in possession of the two Sicilies; for if France and Spain should declare against us, we could not expect that the king of the two Sicilies would long continue our friend; and how the ports of Tuscany may be disposed of at the end of the present war it is impossible to determine. In this case, it would be impossible for us to keep a superior squadron in the Mediterranean, it would be dangerous even to send any such squadron thither, because our capital ships would have no place of safety to retire to in case of a storm, nor any place to refit or careen. The bay of Gibraltar, since the Spaniards have been allowed to erect such works upon it, is far from being a place of safety, nor can any capital ship be careened in either of the moles there; and if the king of Portugal should be overawed into such a neutrality, as to refuse admittance into his ports for any squadron of ships of war, our possession of Gibraltar would become precarious; for we could not always keep a superior squadron there for his defence, and the enemy might take an opportunity, in the winter time, if we had no such squadron there, to attack the place both by sea and land, and might carry it before we could, at that season of the year, send a squadron from hence for its relief; so that the preservation of Gibraltar depends upon our preserving Minorca: they came together, and they will certainly go together, or very soon after one another; for an administration that will neglect the one, will, in all probability, equally neglect the other; and while we preserve a superiority at sea in the Mediterranean, it is impossible we should lose either, unless it be by the treachery, neglect, or misconduct of our ministers.

Their treachery, my lords, you cannot prevent, but you may punish; and you may prevent any fatal effect from their neglect or misconduct, by being watchful to censure it as soon as it happens. And as what is proposed to be censured by this motion, has something in it more criminal than mere neglect: as no officer can be absent without leave, the giving of that leave, or advising his majesty to give that leave, to a great number of them at a time, is an act which I think would be criminal even in time of profound peace; but is much more heinously so, at a time when we are in open war with that very nation which lays claim to this island, and at a time when that very nation was preparing a formidable embarkation, at the port which is the most convenient of any they have, for making an invasion upon the island of Minorca.

At such a critical conjuncture, my lords, the granting or continuing leave of

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absence to any one officer belonging to that garrison, is certainly criminal; but at such a time to grant or continue leave of absence to fourteen officers out of nineteen, is what can be excused by nothing but a confession, that our ministers had, without his majesty's authority, entered into treaty with his majesty's enemies, and had promised to allow them to sail undisturbed to attack his majesty's allies in Italy, provided they engaged not to attack his majesty's island of Minorca. This, I am convinced, is a confession which our chief minister will take care not to make: he certainly must remember, that to meet and treat with an enemy, in a time of open war, without any authority from the sovereign, was one of the articles of impeachment against the earl of Oxford. But suppose he had such an authority, I will say it was highly criminal to advise his majesty to conclude any such treaty, and still more criminal to advise his majesty to trust so far to it, as to leave Minorca at such a time without its full complement of officers and soldiers; for suppose the enemy had broke through the engagement, and had taken Minorca in their way to Italy, would your lordships have allowed any minister to plead their breach of faith as an excuse for his ridiculous conduct?

I shall grant, my lords, that four of the absent officers belong to a fort projected and intended to have been built in the reign of the late queen, but of which no one stone is yet laid; so that those officers, if they had been there, could have had no particular charge to take care of; but as the building of that fort, I mean fort St. Anne, would have added greatly to the strength of that island, according to the opinion of the lieutenant governor, who has been examined at your bar, and, indeed, according to the opinion of every man of common understanding that has ever been there, its not being built, nor so much as begun, in so many years after its being first projected, is, in my opinion, such a neglect, that it seems to be a manifest proof of our ministers having had an intention to surrender that island up to the Spaniards, as soon as they could do it with any safety to themselves. Thank God, they have been hitherto disappointed; but I cannot, upon this occasion, avoid observing, how fond our ministers are of having places and commissions to dispose of among their creatures and tools; for though the design of having this fort built seems for many years to have been entirely laid aside, yet they have taken care to continue in commission, and in full pay, a fort major, an adjutant, a surgeon, and a surgeon's mate; and I am, indeed, surprised, that they never took it into their heads to appoint a lieutenant governor of this non-ostensible fort; for it would have been a good sinecure post for some of their friends, and he surely might have lived here at home, with as much safety to the island, as the lieutenant governor of fort St. Philip, which is a fort now in being, having been built by the Spaniards before we got possession of the island. Of what consequence this lieutenant governor may be to the safety of that fort, I profess, I cannot determine; but if he can be of no consequence, I am sure, the post ought not to be continued a charge upon the public; and if such an officer can be of any consequence to the safety of the place, it is certainly a great neglect to allow him to be absent for a number of years, as he has been according to the information your lordships have had from the gentleman examined at your bar.

Among the many other neglects that have appeared in your lordships' examination of this affair, I cannot conclude, without taking notice of the bad disposition the inhabitants seem to be in. The lieutenant governor of the island has told you, that though the inhabitants of the island be now much richer than they ever were, whilst under the dominion of the Spaniards, yet, in his opinion, they would certainly join the Spaniards in case they should invade the island. As this, my lords, is a very extraordinary circumstance, it must be owing either to the people's thinking themselves oppressed by us, or to their continuing bigotted to the popish religion. If to the former, it shews a very great neglect in our administration, which ought certainly to take care to relieve the people from every oppression they can have the least reason to complain of; and if it be owing to their continuing bigotted to the popish religion, this likewise must be owing to a neglect in our administration; for though we are, by the treaty of Utrecht between Spain and us, engaged to permit the free use of the Roman Catholic religion in that island, yet we are no way engaged not to take measures for converting the inhabitants to the Protestant religion; because the clause by which we are obliged to take measures for preserving the Roman Catholic reli-

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gion there, has this express proviso annexed to it, "Provided the same be consistent with the civil government and laws of Great Britain;" which every body knows it is not. Therefore we might not only have taken measures for reforming the inhabitants, but we might have set up the church of England as the established religion of the island, with an indulgence to Roman Catholics as to the free use of their religion. If we had done this and had taken care to have able divines and preachers among them, most of the inhabitants might by this time have been true members of the church of England, which would have made them unite heartily with the garrison against the Spaniards, instead of joining with them: and would have been one of the most effectual methods we could have taken for securing the possession of that island. But I do not hear, that we ever took care to have any one Protestant preacher among them, or that we ever took any method for converting the inhabitants to our own religion; which is a neglect that I wonder the reverend bench has not before now taken care to see rectified; for I must look upon it as a reproach upon our religion as well as upon our politics.

These, my lords, and many others which I could mention, are neglects or omissions which very much affect the security of that island. If they were of a late date, we might have some hopes, that our ministers would of themselves take care to rectify them in time to come; but they have been so long continued, and so often repeated, that we can expect no amendment, unless we enforce it by a censure upon some of those that are past. The neglect, or rather the fact mentioned in the first part of this motion, is so evident, and so manifestly criminal, that it cannot be denied, nor can it be excused any other way than by confessing what is still more criminal; therefore I cannot see how your lordships can refuse to pass a censure upon it. The censure proposed, moderate as it is, will probably prevent the like for the future, and, I hope, it will in every other respect make our present, and all future ministers, more careful to provide for the safety of this island, which is of such importance to our trade in every part of the Mediterranean, and consequently to our trade in every part of the world; for there is such a connexion between the several branches of our trade, that no one of them can be lost without doing a prejudice to every one of the rest, by putting it out of the power of our merchants to make a proper sortment of the cargoes they send out to foreign markets, without being obliged to purchase several of the commodities they have occasion for at the second or third hand, instead of purchasing them at the first, which they will always do as long as we have a free and open trade with every part of the world.

Lord Chancellor *Hardwicke*:

My lords; I shall readily admit, that the island now under our consideration, is of considerable importance to our trade, and consequently to the riches and strength of this nation; but yet I must think, that the importance of it has been a little exaggerated in this debate; for I cannot be of opinion, that without having possession of this island, we could not keep Gibraltar, nor carry on any trade in the Mediterranean. Before we had possession either of this island or Gibraltar, we carried on as extensive a trade, I believe, in the Mediterranean, as we have ever done since; and though France and Spain were united in a war against us, and for some time in possession of the two Sicilies as well as the island of Minorca, yet we preserved our possession of Gibraltar, and defeated their most vigorous efforts against it, at a time when it was not near so well fortified, nor so well provided as it is now. Therefore, my lords, though there is good reason to consider the island of Minorca as a place of importance, yet it is not of such vast importance as it has been represented in this debate.

However, my lords, as it is a place of importance, and as the honour as well as interest of this nation is concerned in its preservation, if it had been neglected, and that neglect should be laid in a proper manner before this House, I should readily join in censuring those persons who upon a due inquiry and full proof, should appear to have been guilty of that neglect; but I cannot join in the censure now proposed, because I am not convinced, that the place has been any way neglected; because I do not think, that those things alleged to be neglects, have been in a proper manner laid before us; and because I shall always be against general censures, on account of their loading the innocent equally with the guilty. With regard to those things that have been alleged as neglects, they consist, I think, in keeping some of the regiments too long there, in

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giving leave of absence to too many officers at a time, in not having before this time erected the intended fort called St. Anne, and in not having taken measures for converting the inhabitants to the Protestant religion; for as to the inhabitants being under any sort of oppression, though it has been insinuated as a presumption, no particular act of oppression has, I think, been so much as alleged.

Though I do not pretend to understand much of the military, yet as I must examine into it, so far as I am able, before I can form any judgment, or give my vote in this question, I shall beg leave to examine these several instances of neglect; and in the course of that examination I shall endeavour to shew to your lordships that no one of them has been properly and fully laid before this House. With regard to the keeping of some of the regiments so long upon the island, I really do think, and I am in charity bound to believe, that it has always proceeded from a very laudable design, a design to save the public money, and not from any negligence, much less from a design to expose the island to any danger of being delivered up to the enemy. We all know, that transporting of a regiment to Minorca, and bringing another from thence, must at all times be attended with a very great expence to the public, which if possible ought certainly to be saved; and the difference between a soldier's serving at home, where he has seldom or never the pleasure of seeing any of his friends, or relations, and his serving in Minorca, is not, I think, so great, as to make it an insufferable hardship upon a regiment, to keep it continually, or for a great number of years, in Minorca; at least it will never be thought such a hardship by the soldiers as to occasion their mutinying and delivering the island up to the enemy, whereby they would forfeit all hopes of ever returning to, or being provided for by their native country, even after their being grown old and decrepid, which they are sure of, if they serve out their time with fidelity and courage.

This consideration, my lords, will always secure the island against any danger from a mutiny amongst the soldiers, even supposing the regiments now there were never to be relieved; and as to their being thereby induced to make but a faint resistance in case of an attack, I hope, we may depend upon our being secured against this event by the natural courage of our men, and their general aversion to the character of a coward. But we have another security against this event, which is the punishment both the officers and soldiers might be subjected to, by the martial law, upon their returning to their own country, either by being redeemed during the continuance of the war, or by their returning upon the conclusion of a peace; for, I hope, it will not be said, that we cannot, in this as well as in other countries, punish both officers and soldiers for cowardice or neglect of duty.

As for the instances of soldiers maiming themselves, or, perhaps, shooting themselves through the head, many of these instances may have proceeded from their being tired of the service, or from their conceiving some disgust at their commanding officer, as well as from their despair at being continued so long in that island; for as in that island there is no possibility of deserting, the irksomeness they are under, or the disgust they have conceived, must operate strongly upon their minds, and may often produce such cruel effects. Even here at home, if there were no possibility of deserting, I make no doubt but we should often hear of such maimings and self-murders. In this I am confirmed by the many instances we have of desertion here at home, notwithstanding the severe penalty that attends it; for a fellow that will risk being shot for desertion, rather than continue longer in the service, or longer under the command of such an officer, would very probably shoot himself through the head, or by maiming render himself unfit for the service, if he found there was no possibility of deserting. These are inconveniences which must be endured, because they cannot be prevented; for surely our government is not to give a soldier leave to draw his discharge, whenever he is pleased to become tired of the service, or to conceive any disgust against his officer; and much less are they to put the public to the expence of bringing a regiment home from Minorca, and sending another in its place, whenever any of the soldiers conceive an aversion to the service, or to their officers, or to the place where they are.

My lords, we have several regiments and independent companies in America, and very probably we may, for the future, be obliged to keep more there than we have ever done heretofore; Is there not the same reason for relieving those regiments and independent companies, by sending others in their stead from time to

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time, that there is for relieving the regiments in garrison at Minorca? I believe it will be allowed, that the service is as hard and dangerous, and much more inconvenient in every part of America, than it is in Minorca; but it would be so inconvenient, and so expensive to the public, to give our army their turn of duty upon such service, that no man, I believe, will ever pretend, it ought or can be done; and therefore it must be allowed as an established maxim, that every man that inlists in the army, is patiently to submit to his lot, and to serve in any part of the world where the regiment or company in which he engages, is appointed to serve by our government; and that he is to serve there as long as our government shall think fit to continue in that place the regiment or company to which he belongs.

But suppose, my lords, it were a fault to continue a regiment for a great number of years upon duty in Minorca: suppose it were such a fault as ought to be censured by this House, unless some good reasons could be given for shewing that it was unavoidable; yet surely, some such reasons may be given: we cannot suppose the thing impossible; and therefore I must think, the affair has not been brought before us in such a manner as to enable us to form any judgment, much less to pass any censure upon it; for surely we ought to have had the Secretary at War before us, or such persons as could best inform us, what were the reasons for keeping those regiments so long in that place.

Thus, I hope, I have made it appear to your lordships, that the keeping of the same regiments for a number of years in Minorca, is either no fault, or not as yet brought before us in a proper manner; and as to giving leave of absence to too great a number of officers at a time, I believe the case will appear in much the same light. I shall grant, that to give leave to too great a number of those officers that are absolutely necessary for the defence of the garrison, to be absent at one and the same time, would be a very great fault; but that this has ever been done, I think, there is at present no proof before us; and as I really think the method of stating the fact in the first part of this motion a little captious, I think it inconsistent with the dignity of this House to agree to it. There is a great number of officers belonging to the garrison and troops in Minorca: For what I know their number may amount to near 300, and therefore I do not think it quite fair to state the fact as it is in the motion, that out of nineteen officers there are but five present. Why, my lords, is the number nineteen mentioned, as if that were the whole number of officers belonging to the place? It would have been, I think, more fair to have mentioned the whole number of officers belonging to the garrison and troops, and the whole number absent. If the fact had been stated in this method, the proportion between the number absent and the number present would not have appeared near so great: It would have appeared that the number present was vastly greater than the number absent; and from thence one may see the reason why the fact has been stated as it now appears upon the face of this question, which is, in my opinion, a very strong reason why your lordships should not agree to it.

But now, my lords, with regard to those officers who have been proved at your bar to be absent; there is not one of them whose presence seems to me to be absolutely necessary for the defence of the place; and if it should be attacked, I believe, it would be successfully defended, though no one of them should be able to get thither during the whole time of the attack. The gentleman who has now the command, is a brigadier-general and colonel of a regiment in your service, and is a gentleman of an established character both as to his honour and military knowledge; so that the place could no way suffer by the absence of its governor and lieutenant-governor; and the places of all the rest are supplied by deputies, or by other officers, who have done, and can do the business equally well as if they themselves were present upon the spot.

The leave of absence therefore given to these officers, cannot be looked on as any fault, and much less deserving your lordships' censure; but suppose there were more of the officers absent than there are, our superiority at sea will always be an excuse for indulging those officers with leave of absence, whose health or private affairs require their presence at home; for while we retain this superiority at sea, it will always be in our power to send them back as soon as we find it necessary; and if ever we should be so unfortunate as to lose this superiority, the presence of our officers would be of little service:



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It would contribute only to increase the triumph of our enemies and the disgrace of our country; for it would be impossible for us to preserve the possession of that island; and therefore, if we should ever happen to be in such an unfortunate situation, instead of sending the absent officers thither, I should be for deserting the island, and calling home as soon as possible both the officers and men we happened then to have upon that island; for in such a case, we should have occasion for all our officers and all our men for defending our last stake, the island of Great Britain.

I find, my lords, it has been insisted on in this debate, as a great aggravation of the crime, that leave of absence has been granted or continued to so many officers, at a time when we are in open war against Spain. My lords, if we consider, that we have a squadron in the Mediterranean superior to any the enemy can fit out to sea, and that we should always, I hope, have such a squadron there at such a time, we must conclude, that we may always depend more securely upon the island of Minorca's not being attacked in time of war, than we can depend upon its not being attacked in time of profound peace, when we have no such squadron in the Mediterranean; and therefore, if it were really true, and fully proved, that leave of absence had been unnecessarily granted and continued to too great a number of officers, its being a time of war would be an extenuation rather than an aggravation of that crime; so that this circumstance ought to make us the more cautious of proceeding to a censure of such conduct.

But suppose, my lords, it had been made appear, that all the absent officers are necessary for the defence of the place, or that if it had been attacked, it would have run a risk of being lost, by the absence of such a number of them; yet before you can proceed to censure, you ought, I think, to have the several leaves laid before you, and the reasons for granting or continuing every one of them; for if the health of the officers was such that their presence could have been of no signification, the granting them leave of absence can be imputed to no man as a crime; therefore, I think, it is evident, that this affair has not as yet been laid before you in such a proper manner, as can warrant your censuring the conduct of our ministers in this respect.

I come next, my lords, to consider the complaint against the conduct of our ministers, in not having erected and finished the intended fort called St. Anne; and here, indeed, I should have been very much surprised, if any censure had been proposed; for we have nothing before us relating to it, but the opinion of one single gentleman. His opinion I have, indeed, a very great regard for; but even his opinion goes no farther than to say, that it would render the conquest of the island more difficult for an invading enemy, because they must bring a greater force against it, in which every man must concur with him; for the more fortifications, and the greater number of troops we have there, the conquest will certainly be the more difficult for an invading enemy. But this is not the question: the question is, whether the forts and troops we have there, are sufficient for defending the island, or at least the town of Port-mahon, against such a small force as may be carried there at unawares, till we have time to send a squadron from hence with a sufficient force for its relief. If this be the case, our ministers have been in the right not to put the nation to the expence of erecting any new forts; but this is a question we cannot now determine: for this purpose we ought certainly to have an exact plan of the island, with all its fortifications, laid before us, and we ought to examine several officers and engineers that have been there, in order to have their several opinions, and the reasons given by each man for his opinion.

And suppose, my lords, that upon such an examination it should appear, that the finishing of fort St. Anne was a work that was extremely necessary for the security of the island even against a sudden and unforeseen invasion, yet our ministers might still have a very good excuse for deferring to put the nation to that expence; because they have been of late years so much opposed by a strong party in parliament, and every article of public expence so much misrepresented to the people, that I do not wonder at their having been shy of adding to that expence, by any new undertakings at a place so distant as Minorca; so that if the island should be lost for want of such additional fortifications, those who seem to be the advocates for this motion, would have more reason to censure their own conduct, than they could have for censuring the conduct of our ministers.

The last complaint, my lords, I have to

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take notice of, is that which relates to our not having taken measures for converting the inhabitants of Minorca to our own religion. If this could have been done, I shall grant, it would have been a very desirable thing; but I never heard that the ministers in any country set themselves up as reformers of religion, and much less that they were ever censured for not doing so. Besides, I cannot really at present take upon me to determine, how far this would have been consistent with our engagements in the treaty of Utrecht. I know, it is inconsistent with the civil government and laws of Great Britain, to take measures for preserving the Roman Catholic religion in any part of this island; but I doubt of its being inconsistent, either with our civil government or laws, to preserve that religion in the island of Minorca. We have made no law, I think, against Papists, since we got possession of that island, and I do not at present recollect any law made before that time, that forbids our preserving, or even establishing the Roman Catholic religion in any new conquest we might make. Therefore, if we had taken measures for reforming the inhabitants of that island, and rooting the Roman Catholic religion out of it, which would have been the consequence of converting all the inhabitants to our own religion, the Spanish court would have had some reason to charge us with a breach of faith, and a forfeiture of our right to that island, by a breach of the condition upon which it was yielded to us.

To this I must add, my lords, that if we consider the natural obstinacy of the Spaniards, and their firm attachment to their own religion, we shall find great reason to question, whether we could have met with any success in this converting scheme; and if we had met with little or no success, the attempt would have entirely alienated the minds of the inhabitants, and would have made them more fond of returning under the dominion of Spain, than at present we can suppose them to be; so that if our ministers had made any such attempt, which by the bye must have put us to a good deal of expence, and had met with little or no success in that attempt, which in all probability would have been the case; I am convinced, the question now before us would have been, to censure their conduct for having alienated the minds of the people of Minorca, by entering upon such a chimerical undertaking.

I hope, my lords, I have now shewn, that there is no solid ground for the censure proposed by this motion, nor for any of the other complaints that have been made against the conduct of our administration, with regard to the island of Minorca; but suppose it were otherwise, I should be against such a general censure as is proposed by the question now before us. If there has been any neglect: if there has been any fault, or any crime committed, some particular persons must be guilty. Let us enter into a strict inquiry: let us call the suspected persons before us, that they may have an opportunity to answer for themselves; and if they can neither justify nor excuse their conduct, let us censure, let us punish them according to their deserts. By this means our censure or punishment will fall where it ought, upon the guilty alone; and the characters of the innocent will be cleared from suspicion. These are the two ends we ought to propose in all our inquiries; whereas by the general censure now proposed, the guilty may escape that punishment they deserve, and the innocent will be loaded with a suspicion of having neglected the honour and interest of their country.

But, my lords, if we were to enter into such an inquiry as I have mentioned, we ought to consider the times we are in, and the ticklish situation those that are at the head of our affairs must always be in. A general relaxation of government, or at least of that severe discipline which is kept up in arbitrary countries, seems at present to be the reigning vice in this kingdom; and considering the nature of our constitution, it is very difficult for our ministers to rectify or put a stop to it. They must have the concurrence of two very numerous assemblies in all their measures: they must have the good will of both those assemblies, or, at least, of a majority in each, even for their own safety and protection; and therefore they must be extremely cautious of disobliging any man that has a vote in either of those assemblies, or a great interest at any election. If they refuse any such man an indulgence when he thinks it may be granted with safety to the public; if they impose upon him any more exact or severe discipline than he thinks necessary for the public service, he looks upon it as a personal injury, and from that moment resolves to join with the opposition both in parliament and at elections. Therefore, if our ministers do connive a little at things, which in an arbitrary government would be looked on as neglects of

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duty: if they do advise his majesty to grant some such indulgencies as might safely, and would certainly be denied by an absolute monarch, such complaisance ought not in them to be looked on as criminal. It is an inconvenience necessarily attending our happy constitution, and an inconvenience which they must submit to, for the sake of carrying on the necessary ends of government, as well as for their own safety and protection.

When we consider these things, my lords, I do not think we can suppose there has been any neglect, with regard to the island of Minorca, that deserves a parliamentary inquiry, much less a parliamentary censure; and as we have had no sufficient previous inquiry, for giving a foundation to such a censure as is proposed by this motion, I hope your lordships will join with me in putting a negative upon the motion.

The Earl of *Chesterfield:*

My lords; I am very much surprised, the noble and learned lord should so far mistake the intention of this motion, and the usual method of proceeding in this House, as he seems to do in what he has been pleased to say upon the subject. The motion now before us is not intended as a censure upon persons, either in general or particular; and if your lordships intend to make any proper inquiry into this affair, what is now proposed is absolutely necessary as a previous step to that inquiry; for as the character of the fact is a little doubtful, I mean as to its being culpable or no, it is absolutely necessary your lordships should determine this question before any lord can stand up in his place, and propose a regular inquiry into it. Surely your lordships would not, nor can any lord propose, you should give yourselves the trouble to inquire into a fact, which, in your opinion, is not in the least culpable, even though it should appear to be true in every particular, and should be brought home to the door of its true father. The inquiry hitherto made, has only been to know, whether such a fact really existed: by that inquiry you find it does: you have had it fully proved by the papers upon the table, and by the examination of a gentleman at your bar, whose knowledge, honour, or veracity, I dare say, no one of your lordships will question; and now some lords in this House, of whom I am proud of being one, who think this fact highly culpable, desire by this motion to know, if your lordships are of the same opinion. If your lordships join with us in opinion, with relation to this fact, and some others that have been mentioned, to be sure the next step will be a motion for a regular inquiry into the whole affair, in order to find out the persons who have been guilty of such dangerous neglects; and if they can no way justify themselves, I hope your lordships will proceed a little farther than a bare censure upon their conduct.

Having thus, my lords, stated in a fair and clear light the true design, and the necessity of this motion, I must next remove the objection made by the learned lord, of its being captious and unfair to state the fact in the manner in which it is stated in this motion; for upon due consideration it will appear, that to have stated it in any other manner would have been unfair, and would have bred confusion. In every garrison, my lords, there are two sorts of officers, one of which properly belong to the place, and the other to the troops upon duty in that garrison. The former always remain, or at least ought to remain in the place, whereas the others are often removing and changing; because the regiments they belong to are sometimes in one garrison, and sometimes in another. As the condition of these two sorts of officers is very different, it would therefore have been both unfair and irregular to have confounded them together in one motion, and would certainly have been most reasonably objected to. For this reason it was thought necessary to consider them distinctly; and as our inquiry relates to Minorca, it was certainly right to begin with that sort of officers which properly belong to that island. Of this sort there are 19, and of these 19, we find there are no less than 14 absent. This is the reason for stating the fact as it is in the motion, and I appeal to your lordships, if it could fairly and regularly have been stated in any other manner. If your lordships agree to this motion, it may then be proper to consider how many officers are absent, and how many men are wanting, in the regiments now upon duty there; but if your lordships do not think it blame-worthy to allow 14 officers out of 19 to be absent at such a critical time, that is to say, if you do not agree to this motion, I am sure, I shall not desire to trouble you with any other question upon this subject. However, I think I am in duty obliged to forewarn your lordships, that if

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ever this island should be lost by any future neglect, the whole nation will impute the loss to your having put a negative at this time upon such a motion, which is an imputation your lordships ought, I think, to take care to prevent; for after the loss is incurred, no punishment you can inflict upon the persons guilty, will be an atonement for your former indifference, which will be considered as the original cause of that loss.

I shall now, my lords, beg leave to consider what the noble and learned lord has been pleased to say, in excuse for allowing so many officers properly belonging to the place to be absent at this time. In excuse for the absence of the governor and lieutenant governor, he has been pleased to give us, I believe, a very just character of the gentleman who commands there, and says, that this gentleman, besides his own proper duty, will do the duty both of governor and lieutenant governor equally well as if they were present. If it were possible to suppose this, why should the nation be put to the expence of a large salary to a governor, and another large salary to a lieutenant governor? But, my lords, it is not possible to make such a supposition: the nation is in the right to grant those salaries, in order to induce gentlemen of fortune, as well as distinction, to go over and take the command upon them; because their fortunes at home will be a pledge for their fidelity abroad, and their distinction will set them above any temptation the enemy can offer. We may be secure, perhaps, I believe we are, in the honour and fidelity of the gentleman who is now chief in command there; but he may die suddenly, or in case of an attack, he may be killed, and then the chief command will devolve upon a colonel, perhaps a lieutenant colonel of a marching regiment, who may perhaps be a mere soldier of fortune; and what effect the promise of a great estate and great honours in Spain, with a considerable rank in their army, may have upon such a man, no one can tell; from whence it is plain, that the island cannot be so safe in the absence of the governor and lieutenant governor, as it would be, were they both, or but one of them present.

Then, my lords, as to the other absent officers, it is said, that their duty is performed by deputies or by other officers, equally well as if they were present. If this were true, I am sure, it would be a good reason for freeing the public from the expence of maintaining them, which would not be a very agreeable doctrine to our minister, and therefore I am surprized, that his friends should afford such a foundation for it. But luckily for him the thing is impossible: it is impossible that a garrison can be as well served by a surgeon's mate, as by a surgeon and his mate, especially if it were attacked, and many wounded men to take care of; and it is impossible to suppose, the nation can put as much trust in a low fellow that will serve as a deputy, as it may do in the principal. I shall grant, that the place of those officers belonging to the non-ostensible fort, may be easily supplied, because they have as yet no duty to perform; but if they were there, they would serve as so many supernumeraries; and surely a place that is besieged may be the better defended, the more supernumeraries it has; unless it be to be taken by starving.

The place is therefore in every respect the weaker, the more officers are absent; and to say, that we may more certainly depend upon not being attacked in time of war than in time of peace, is something very extraordinary. I have often heard it advanced by some lords, in time of peace as an argument for not reducing our army, that we are more in danger of an invasion here at home, in time of peace, than in time of war; but I never heard it said by those lords in time of war, that we might reduce our army, because at such a time we have always a superior squadron ready to defend us against an invasion. On the contrary those very lords are always upon such an occasion for augmenting our army, because we cannot put an entire confidence in our superior squadron; and why there should be such a difference of sentiments with regard to the safety of the island of Minorca in time of war, I cannot comprehend. But luckily for this argument, my lords, we very lately found we had not a superior squadron in the Mediterranean: for if admiral Haddock had been superior or but near equal to the united squadrons of France and Spain, I am sure, he would have attacked them: he would have disdained to allow any French admiral to tell him, 'You shall not attack the declared enemies of your country, because they are under my protection.' This is a demonstration, that in time of war we cannot always depend upon having a superior squadron in the Mediterranean, unless our ministers have better intelligence than they seem to have had upon that occasion.

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For this reason, my lords, we ought both in time of war and in time of peace, but especially in time of war, to have the garrison of Minorca fully provided with officers as well as men; and therefore it must be allowed to have been a heinous neglect, to permit so many officers to be absent at a time of such imminent danger. The want of health in the absent officers can be no excuse for this neglect; because if they could not return to their duty, others ought to have been sent in their stead. There can be no excuse for this neglect: not even a stipulation with the French, that they would not allow the Spaniards to attack Minorca; for, I am sure, it would be very unwise in a British minister, to leave our possession of that island depending upon the faith of a French treaty. But if it could be supposed possible to form an excuse, it is no argument against this motion; because this motion is but a previous step to an inquiry, and we must judge of the fact as it now appears to us. If upon the result of an inquiry the persons accused can allege any thing in their own vindication, we shall then have an opportunity to consider it, and I am sure, your lordships will hear it with candour, and judge of it with impartiality.

What I have said, my lords, would, I think, be sufficient for justifying the motion now before you; but as several other complaints have been made, and as the noble and learned lord has endeavoured to answer those complaints, I shall beg leave to make a few observations upon his answers. The complaint against keeping some regiments there for such a great number of years, is a most just one, not only on account of their being so long kept out of their own native country, but on account of the extraordinary expence both officers and soldiers are put to. The latter, indeed, cannot increase their expence, but they must diminish in the quantity or quality of their consumption; for as all sorts of provisions are dearer there than in their mother country, generally occasioned by the taxes and prohibitions imposed by their governors, and as their pay is no higher than it would be here at home, they must eat and drink less or of a worse quality, than they need do here at home. This is a grievance in common both to the officers and soldiers; but with regard to the officers, they have another, and a most insufferable grievance to complain of; for though their recruiting fund be no larger than what is allowed to the regiments here at home, yet the gentleman who has been examined at our bar has told you, and, indeed, every one knows, that the recruiting of a company at Minorca costs the captain ten times as much as it would do if his regiment were in Britain or Ireland; so that I wonder we do not hear of some of the captains, as well as the common mens shooting themselves through the head on account of the regiments being kept so long in that island.

The noble lord says, these accidents are owing to its being impossible for men to desert from the regiments in that island; that such accidents would be as frequent at home, were it as impossible for the men to desert; and that this is an inconvenience attending the service, which must be endured because it cannot be prevented. My lords, we may at least afford the common soldiers in Minorca, once in seven years, an opportunity to desert, by bringing them home to their own country: but here even at home, the inconvenience may be prevented: the noble lord knows, that a remedy has been proposed in parliament; and he likewise knows by whose influence that remedy was rejected. I mean, that of giving every soldier a liberty, under proper restrictions, to draw his own discharge, after a certain number of years service. This would prevent the cruel effects of that despair which soldiers are often drove to, by being tied for life not only to serve, but to serve under the command of an officer who treats them ill. This is really a most terrible hardship, and a hardship which is a scandal upon our government. We boast, my lords, in this country of our being freemen, and reproach the French with their being slaves; but I will say, that while this hardship remains, an English soldier is much more a slave than any soldier in France can be, or ever is made; and, I think it a most preposterous regulation in a free country, to make slaves of those who are to defend the liberties of their country.

I shall grant, my lords, that the transporting of a regiment to Minorca, and bringing another from thence, must always be attended with a public expence; but let it be what expence it will, it ought to be done, both for the sake of our soldiers, and for the sake of preserving that island; for it will certainly be an inducement to the soldiers there, to make but a faint resistance against an invading enemy,

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when they believe, they have no other chance for ever getting home to their native country. And though there may have been a little saving of public money by keeping the same regiments at Minorca for a great number of years, yet I cannot impute their being kept there to a motive of saving, in those who have been so lavish of public money in every other respect. Neither reason nor charity can induce me to believe, that a known prodigal saves a necessary expence, from a mere motive of saving; especially when several other motives may be assigned.

The case is the same, my lords, with regard to the intended fort called St. Anne: our not having added to the strength of the island by erecting that fort, cannot, I am sure, be ascribed to any motive of saving the public money, in those who have thrown so much away in building unnecessary castles at home, and who have continued in pay, for such a number of years, the officers designed for that intended fort. But the building of such a fort was not, it seems, thought necessary: I do not know, my lords, what our wise ministers thought; but every man who has ever had a description of that island thinks otherwise. It is a known truth, and may too soon, I fear, be found by experience to be so, that if any enemy should land with a sufficient army in the island, our garrison at Portmahon would be obliged to surrender, before we could have an account here, of any enemy's being landed in that island. It is therefore extremely necessary to have this fort erected; and the more so, because we know, that the inhabitants have not a good disposition towards us.

How this comes to be so, I shall not now pretend to determine; but I think, it is well worth our inquiry: and it is very certain, that if the inhabitants had been mostly converted to the Protestant religion, we could have more safely depended upon their fidelity. This we might have attempted, notwithstanding our engagements by the treaty of Utrecht to preserve the Roman Catholic religion in that island; for I must differ from the learned lord upon this head: I must think, that the proviso renders the engagement void, and was for that very purpose added by our then ministers, who were as able negociators as any we have had since. To take measures for preserving the Roman Catholic religion in a new conquest may not be against any express statute, but, I am sure, it is inconsistent with our religion and conscience; I appeal to the reverend bench if it is not; and I cannot think that what is inconsistent with our religion and conscience, can be consistent with our laws or civil government. I shall grant, indeed, that we have not of late years made any new and severe laws against Papists; for their religion has been more indulged by our present minister, than ever it was by any minister since the reformation; though I must observe, that the learned lord seems to forget the swearing act, when he says, that no law has been lately made against Papists. But whatever we may do here at home, we ought to take all possible measures for having as many Protestants as we can upon the island of Minorca, because the Roman Catholics there, especially the old inhabitants that continue in that religion, will always have some inclination to return under the dominion of the Spaniard.

I come now, my lords, to the last argument made use of by the noble lord, as an excuse for all the neglects our ministers have been guilty of. He says, they cannot refuse favours, or enforce a strict observance of duty, upon any officer who has a vote in parliament or an interest at elections, because it would make him join the opposition against them. My lords, they must be weak ministers who are possessed with any such fears: If those in the administration take care to pursue wisely and steadily the true interest of the nation, they may despise any opposition that proceeds from private pique or resentment. But if there were any thing of weight in this argument, would it not, my lords, be a strong argument, for excluding all or most officers or placemen, from having seats in parliament, and for prohibiting them to vote or make interest at any election. Thus it has fallen out very unluckily in this debate, that almost every argument made use of against this motion, happens to be an argument in favour of something our ministers have upon former occasions shewn themselves averse to.

Having thus, I hope, fully answered every thing that has been said against the motion, or in excuse for the neglects complained of, I shall conclude with an observation or two upon the importance of this island, which the noble lord seems to think not so important as has been represented. I shall grant, my lords, we had a trade in the Mediterranean, perhaps larger than we have now, before we had posses-

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sion of this island; but I will insist upon it, that we never had before such an extensive or such a free navigation in that sea, as we have had since. It is well known, that before we got possession of Minorca and Gibraltar, our navigation in the Mediterranean was almost continually infested by the pirates of Morocco and the Barbary coast, insomuch that we were obliged to make laws for obliging the masters of our merchant ships to fight those pirates, and our ships employed in the Mediterranean trade were generally large ships, and provided both men and guns for fighting, which was a great expence to our merchants, and a great burthen upon our trade. Whereas, since we got possession of those two places, those pirates have been, I may say, constantly at peace with us, so that we soon became the only carriers in the Mediterranean, and continued so till by our authority we procured the Dutch a peace with the Algerines, in order to prevail with them to favour our ministers with a sort of sham accession to the famous treaty of Hanover.

My lords, we must not conclude, that because we had a trade in the Mediterranean before we got possession of the island of Minorca, therefore we may be able to continue that trade after the loss of that island. Before we had it, my lords, we had but few rivals in the Mediterranean trade, and could therefore bear the expence we were put to, and the losses we sustained by the depredations of those pirates; but we have now so many rivals, especially the French, that we could not bear it; and therefore, if we should lose Minorca, and those depredations should be renewed, which would be the certain consequence, I doubt much, if we could have any trade, I am almost sure, we should have very little navigation in the Mediterranean. The importance of this island cannot therefore, in my opinion, be exaggerated; and for this reason, I hope your lordships will shew your care of it, by agreeing to this motion.

Then the question being put, it was resolved in the negative, N. C. 69, C. 57.

*Protest on rejecting the said Resolutions.*] The following Protest was entered on the Journals.

" Dissentient'

1. " Because we conceive, that as the fact stated in the former part of the question, appeared plainly from the paper laid before this House by the proper officer, and neither was nor could be controverted by any one lord, the censure contained in the latter part of the question was not only just, but as gentle as so evident a neglect of so important a place, at so critical a time, could possibly allow. The principal, if not the only argument made use of by those lords who opposed the motion was, That the censure was general, and pointed at no particular persons, which we rather apprehend to be a proof of the justice and moderation of that censure, as it could then only light upon the guilty whoever they were; and we are inclined to believe, that had the censure been applied to any particular persons, the contrary argument would have been urged, and the injustice of a particular censure, without proofs, sounded high, though possibly, at the same time, the necessary means of getting at those proofs might have been rendered difficult: That out of nineteen officers paid upon the establishment of Minorca, fourteen were absent, among whom were the governor, the deputy governor, and the governor of Fort St. Philip, was a fact disputed by none, though the slightest censure of it was opposed by the majority of the House. We therefore hope, that posterity, to whom we thus appeal, will not only approve of our conduct in this motion, but will likewise, from the ill success of it, find reasons to excuse our not attempting many others of the like nature.

2. " Because, when we consider the tender apprehensions of the administration for the island of Minorca, in the year 1740, when, upon information received, that a few troops were marching to the coasts of Catalonia, and a few tartanes assembled in the port of Barcelona, orders (possibly obscure from that precipitation which the emergency required) were sent to our admirals in the Mediterranean, to provide immediately for the defence of that island, even by going there with their whole force, if necessary; by the execution or mistake of which orders, the Spanish squadron was suffered to sail from Cadiz to the West Indies, to the imminent danger of our fleets and possessions there; we cannot well account for that profound security in which the administration seemed to be the last year, with regard to that valuable possession, when an embarkation of fourteen or fifteen thousand men, and above two hundred transport-ships was publicly preparing at Barcelona, and consequently within eight and forty hours sail of Minorca, which embarkation soon after



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went undisturbed to Italy: but we fear this inconsistent conduct may give too much credit to insinuations lately scattered in public, that the British ministers were as secure that Minorca would not be attacked by the Spaniards, as the Spanish ministers were that their embarkation would sail to Italy undisturbed by our squadrons in the Mediterranean.

3. "Because it appears, that about the same time that major-general Anstruther left that island, by leave from the secretary at war, which was on the 15th of February last, admiral Haddock informs the secretary of state, in a letter of the 10th of the same month, that by the latest letters from Mr. Consul Birtles, he mentions, "That a Spanish embarkation is "actually intended, and though the first "design was on a sudden dropped, the "last intelligence declares the same to be "renewed again;" which information, we conceive, was sufficient to have excited greater apprehensions for the danger of that island, than seem to have been entertained, since no one step appears to have been taken thereupon for its defence, or any leave of absence recalled; but the whole government was suffered to devolve to a lieutenant-colonel of one of the regiments there.

4. "Because it appeared by the examination of major-general Anstruther at the bar, that when he left Minorca about the 15th of February last, above 700 men were wanting to complete the regiments there, and near the same proportion of officers absent: that the private soldiers were so uneasy at having been there so long, that many destroyed themselves from despair, and many maimed themselves to get discharged. That should the island be attacked, the inhabitants would, in his opinion, certainly join the Spaniards; that in his opinion too, that island was always in danger when our enemies were superior in the Mediterranean, which has been for some time, and is still the case. All which circumstances concur to prove the danger, the neglect, and the justice of censuring such a neglect at such a time.

5. "Because it was said in the debate by those whose high stations best enable them to know, 'That a general relaxation 'of government, and abuses of this nature, 'were the vices of the present age.' A melancholy truth! which we conceive is so far from being an argument for impunity, that it evinces the necessity, at least, of censuring such as we can attain to the knowledge and proofs of. And indeed we have but too much reason to believe, that the several abuses committed in the several branches of the government, unpunished at least, if not connived at, have already produced effects too sensibly felt by this nation; which abuses, from the nature of things, necessarily multiply themselves, and if not speedily checked, must soon forge a chain of reciprocal and criminal dependency, too strong for even the authority of this House to break, too heavy for the constitution to bear.

6. "Because the motion for an address, offered in lieu of this question, in which the same fact is stated in its full extent, but without the least censure annexed to it, is, in our opinion, not only unprecedented, but inconsistent with the honour and dignity of this House, as it may seem calculated to screen the guilt it avows; and as it may be thought to intimate future impunity for public crimes, if balanced by private ministerial merit. Artifice may elude inquiries, or prevent detection; lenity may censure a crime, yet spare the criminal; but mankind, we fear, may be at a loss to account for what motives so criminal a neglect, fully stated, proved and admitted, could escape without censure; or may ascribe it to such as would affect the reputation, and consequently lessen the authority of this House.——

*(Signed)* Sandwich, Dunk. Halifax, Greenwich, Carlisle, Shaftsbury, Northampton, Mansel, Chesterfield, Leigh, Aylesbury, Falmouth, Craven, Talbot, Abingdon, Cobham, Ward, Bridgewater, St. John, Oxford and Mortimer, Exeter, Foley, Denbigh, Litchfield, Beaufort, Ric. Lich. and Cov. Suffolk, Haversham, Berkeley de Stratton, Westmoreland, Thanet, Bathurst, Ric. Lincoln', Clinton, Hereford, Gower, Aylesford, Clifton, Macclesfield, Bedford."

*Proceedings on the Chippenham Election.*] Jan. 28. The House proceeded to the hearing the Petition of Alexander Hume, and John Frederick, esqrs. complaining of an undue election and return for Chippenham; and, after hearing counsel, and examination of divers witnesses, a motion was made, and the question put, "That in the last determination of this House, of the right of election of members to serve for the borough of Chippenham, made the 9th of April, 1624, which is, 'That



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'the new charter alters not the custom; 'and that the burgesses and freemen, 'more than twelve, have voice in the elec- 'tion,' the words, 'Burgesses and Free- 'men,' mentioned in the said Resolution, mean only such burgesses and freemen, as are inhabitants householders of the ancient houses, called free or burgage-houses, within the said borough;" it passed in the negative, by 237 against 236.*

Feb. 2. The House proceeded to the farther hearing of the said Petition; and the counsel for the petitioners desired to know what affirmative construction the House would make of the words, 'Bur- 'gesses and Freemen,' mentioned in the last determination of the House concerning the right of electing burgesses to serve for the said borough; the House having determined, that the said words do not mean only such burgesses and freemen, as are inhabitants householders of the ancient houses, called free or burgage houses, within the said borough. The counsel on both sides being withdrawn, it was resolved, by a majority of 241 voices against 225, "That the counsel be called in, and directed to proceed according to the last determination of the House, of the right of election of members to serve for the said borough, made the 9th of April 1624, and according to what the House did resolve on Thursday last, concerning the said determination." Then after a farther hearing of counsel, the House was informed, that the petitioners desired to give the House no farther trouble. Hereupon it was severally resolved, that sir Edmund Thomas, bart. and Edward Bayntun Rolt, esq. were duly elected for the said borough of Chippenham.*

*The King adjourns the Parliament—Sir Robert Walpole resigns his Places, and is created Earl of Orford—The Prince of Wales conciliated—Meeting of the Opposition at the Fountain Tavern—Great ferment in the Nation—Ministerial Changes.*] On the 3rd of February, the Lord Chancellor signified his majesty's pleasure, that both Houses of Parliament should severally adjourn to the 18th instant. On the 9th of February,† sir Robert Walpole was

* "At length, on the 28th, the opposition finally triumphed. A question on the Chippenham Election was carried against the minister, by a majority of one, 237 against 236, and the party gained so considerable an accession, by the desertion or absence of several members of the court party, that the final decision of the Chippenham Election was carried against the minister, by a majority of 16; 241 against 225. Walpole seemed to have anticipated this event, and met it with his usual fortitude and cheerfulness. While the tellers were performing their office, he beckoned sir Edward Baynton, the member whose return was supported by opposition, to sit near him, spoke to him with great complacency, animadverted on the ingratitude of several individuals who were voting against him, on whom he had conferred great favour, and declared he would never again sit in that House." Coxe's Memoirs of sir R. Walpole.

* "January 30. I wrote by the last post, and then said that we were upon the Chippenham election. We debated a point in relation to the disqualifying votes till 12 o'clock, and we lost it by one, though there never was a clearer case in the world. Lord Donerail voted against us; and unless our affairs change much for the better, I don't imagine we shall often have him again. However we may, for all this, carry the election. But we have a parcel of such shabby fellows that will not attend. To speak plainly, I am afraid we have only a majority of about 14, and as a great many of our people will not attend elections, and that others make a point of it, they will, I really think, get the better of us by determining all the elections in their own favour."

"February 2. Sir Robert has hitherto kept up his spirits tolerably well, but I think I can perceive that he is now uneasy; and indeed I am afraid he has very good reason to be so; for I really believe, and so do most of his friends, that the other party, in three weeks time, must get a majority by the alterations in elections; for we have a great many people, that have declared they will not attend them any more. Lord Middlesex for one; and lord John has hardly attended any yet. We hope we shall secure Chippenham to day, and I wish we may." Coxe's Walpole: Correspondence; marquis of Hartington to the duke of Devonshire.

† *From the Secker Manuscript.*

"February 8. Sir R. Walpole was presented at court as earl of Orford. He was persuaded to refuse a grant of 4,000*l.* a year during the king's life and his own, but could not be dissuaded from accepting a letter of honour from the king, to grant his natural daughter, Maria, precedence as an earl's daughter, who was also presented this day. The same thing had been done for three daughters of Scrope, earl of Sunderland, who left no lawful issue, and from one of whom lord Howe is descended."

"February 11. Lord Orford and sir Charles Wager resigned. Mr. Sandys kissed hands as Chancellor of the Exchequer. Lord Wilmington declared First Commissioner of the Treasury. Offers made to the duke of Argyle but refused. None to lord Chesterfield."

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created earl of Orford, and on the 11th he resigned his places.

Respecting the resignation of sir Robert Walpole and the formation of the new ministry, Mr. Coxe gives the following interesting particulars:

"It is asserted by a contemporary historian [Tindal] who possessed great means of information, that the minister would have sooner retired, if the state of the nation and of parties had not rendered his continuance in power necessary for the arrangement of a new administration, and for preserving the tranquillity of the country; and that he continued in office solely in compliance with the wishes of his friends. The papers which have been committed to my inspection, and the undoubted information which I have received, enable me to contradict this assertion. He retired unwillingly and slowly: no shipwrecked pilot ever clung to the rudder of a sinking vessel with greater pertinacity than he did to the helm of state; he did not relinquish his post until he was driven from it by the desertion of his followers and the clamours of the public. Speaker Onslow, who knew him well, declared that he reluctantly quitted his station; and if any doubt still remains, we have the testimony of the minister himself. "I must inform you," he observes in a letter to the duke of Devonshire, "that the panic was so great among—what shall I call them?—my own friends, that they all declared that my retiring was become absolutely necessary, as the only means to carry on the public business with honour and success."

"It has been also asserted with no less confidence, that the king himself was become weary of a minister, who had so long directed his affairs, who had so often opposed and obstructed his inclination for war, and who was still endeavouring to remove every obstacle which impeded the return of peace. But the same documents enable me to adduce an honourable testimony of the good faith and firmness of George the second. Although the asperities which time and vexation occasioned in both their tempers, produced a momentary dissatisfaction, yet the king had contracted, by long habit and experience of his capacity for business, a high regard and esteem for his long-tried counsellor. In vain the earl of Wilmington and the duke of Dorset had enforced the necessity of his removal, the resolution of the king was unshaken, and he did not consent to his resignation until the minister himself made it his express desire.

"The interview when he took leave of the king was highly affecting. On kneeling down to kiss his hand, the king burst into tears, the ex-minister was so moved with that instance of regard, that he continued for some time in that posture; and the king was so touched, that he was unable to raise him from the ground. When he at length rose, the king testified his regret for the loss of so faithful a counsellor, expressed his gratitude for his long services, and his hopes of receiving advice on important occasions.

"When his resolution to resign was known, he received more honours than had been paid to him in the plenitude of power. His last levee was more numerously attended than his first. The concourse of persons of all ranks and distinctions was prodigious; and their expressions of affectionate regard and concern extremely moving.

"The minister, in retiring, had three great objects in view. 1st. To disunite the heterogeneous parties which composed the opposition. 2d. To form an administration on the Whig basis. 3d. To save himself from a public prosecution.

"If the first point was effected, the others would necessarily follow. To divide the opposition, and weaken a combination which would else have been fatal to him, it became necessary to lure the duke of Argyle and the Tories, to conciliate the prince of Wales, and to detach Pulteney, who then headed the Whigs in opposition, from the Tories. To effect these views, he had recourse to the grand engine of political jealousy. He made such advances to the Tories as inspired them with fallacious hopes and unfounded notions of their own importance, and filled the Whigs in opposition with apprehensions of being excluded from the spoils. Having succeeded in this attempt, he advised the king to form a Whig administration, and suggested the propriety of applying to Pulteney. One of the greatest difficulties under which he laboured in the course of this political transaction, was to conquer the king's repugnance to Pulteney, which at this period seemed almost insuperable, and to persuade his majesty to commence the negociation, and acquiesce in Pulteney's expected demand of a peerage. Having at length overcome the king's pertinacious inveteracy, he said to his son Horace, "I have set the king upon him;" and at ano-

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ther time, in the farther progress of the king's compliance, he triumphantly said, making at the same time a motion with his hand as if he was locking a door, "I have turned the key of the closet upon him."

"When the negociation with Pulteney first commenced, neither the documents in my possession, or any oral information, have enabled me to ascertain; but it is probable that indirect overtures had been made some time before the recess.

"Hints had been thrown out to Carteret, from some person in the king's confidence, that proposals would be made to Pulteney, as the leader of the House of Commons; but a fortnight elapsed after this communication had been made, before any step was taken. At length a message came from the duke of Newcastle, requesting Pulteney to meet him privately at his secretary, Mr. Stone's house at Whitehall. Pulteney returned for answer, that in the present juncture he could not comply with this request without giving umbrage to his friends. He was under the necessity of declining a private meeting, but added, that he had no objection to receive his grace publicly at his own house. A few days afterwards he received a note from the duke of Newcastle, importing, that he and the lord chancellor, having a message from the king, would wait upon him.

"The meeting took place in the forenoon, between the duke of Newcastle and the chancellor on one side, and Pulteney and Carteret, whose presence he had desired as his confidential friend, on the other.

"Newcastle opened the conference by saying, that the king being convinced that sir Robert Walpole was no longer supported by a majority in the House of Commons, had commanded them to offer the places which that minister possessed to Mr. Pulteney, with the power of forming his own administration, on the sole condition that sir Robert Walpole should not be prosecuted. To this proposal Pulteney replied, that if that condition was to be made the foundation of the treaty, he never would comply with it; "and even," he concluded, "should my inclination induce me to accede to these terms, yet it might not be in my power to fulfil my engagement; the heads of parties being like the heads of snakes, which are carried on by their tails. For my part, he added, I will be no screen; but if the king should be pleased to express a desire to open any treaty, or to hold any conversation with me, I will pay my duty at St. James's, though I have not been at court for many years; but I will not come privately, but publicly and at noon-day, in order to prevent all jealousy and suspicion." Before they parted, some negus was brought in, and the duke of Newcastle drank, "Here is to our happier meeting." Pulteney replied, in a quotation from Shakespeare's Julius Cæsar,

'If we do meet again, why we shall smile,
'If not, why then this meeting was well made.'

"Meanwhile a prodigious ferment appeared throughout the nation. The Tories and Jacobites were equally irritated against the minister, and the popular clamours for reform were no less violent than discordant. A contemporary author has well described the vehement and contradictory views of the heterogeneous parties which composed the opposition. "Among those who thought themselves the most moderate, no two men agreed upon what was necessary. Some thinking that all security lay in a good place bill, about the degree and extent of which they likewise differed. Some in a pension bill, which others more justly thought would signify nothing. Some in a law for triennial parliaments, which all who did not delight in riot or in the prospect of corruption, thought both dangerous and dubious. Some for annual parliaments, which others thought too frequent. Some for justice on the minister. Others not for sanguinary views. Some for a reduction of the civil list, which others thought unjust to be taken away, having been legally given. Some for the sale of all employments. Others for allowing a few. Some for taking the disposition of them from the crown, which others thought anti-constitutional. Some for allowing them to subsist, but to be given only to those who were not in parliament, that is, among themselves. Some to allow them to be given for life. Some for making the army independent. Others for no regular troops at all." [Faction Detected, p. 69.]

"To oppose this torrent of reform, the necessity of gaining Pulteney became more and more urgent. Though it should be admitted that personal pique and party resentment were among the motives which influenced his opposition, yet he was known to be a friend to the constitution, a sound Whig, and a warm partisan to the Protestant establishment, and the largeness of his property would induce him to obstruct all measures which might tend

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to create confusion, or perplex government.

"The only method to conciliate him was, in appearance, to submit entirely to his demands, to prevail on him to make as few changes as possible, to introduce few obnoxious persons, and to trust the safety of Walpole to future exigencies.

"This scheme was managed with so much address, that Pulteney, in forming an administration, the great outlines of which were traced by Walpole, conceived that he was dictating his own terms. It was particularly owing to his influence that Newcastle retained his situation of secretary of state, and that Harrington, who was compelled to make way for Carteret, obtained the presidentship of the council; many of his most confidential friends were also continued in their posts.

"Soon after the first conference with Newcastle, the king sent Pulteney a private message, requesting that if he did not chuse to place himself at the head of the treasury, he would let lord Wilmington slide into it, in which Pulteney acquiesced. Carteret, who coveted that post, expressing dissatisfaction at the arrangement, Pulteney declared that he would break his own resolution, and take the place himself, if Carteret would not consent to the appointment of Wilmington. 'You,' he added, 'must be secretary of state, as the 'fittest person to direct foreign affairs.'

"In the course of a few days another conference was held at the same place, by the same persons. Newcastle said, that he was now commissioned by the king to make the former offers, without insisting on the condition of not prosecuting the minister; and he added, that the king only requested that, if any prosecution was commenced against sir Robert Walpole, he would not inflame it, though he might not chuse to oppose it. Pulteney replied, that he was not a man of blood; that in all his expressions importing a resolution to pursue the minister to destruction, he meant only the destruction of his power, but not of his person. He could not undertake to say what was proper to be done; he must take the advice of his friends; though he was free to own, that according to his opinion some parliamentary censure at least ought to be inflicted for so many years of mal-administration. Newcastle then observed, "the king trusts you will not distress the government by making too many changes in the midst of a session of parliament, and that you and your friends will be satisfied with the removal of sir Robert Walpole and a few others." Pulteney replied, that he was far from desiring to perplex government, or to make too many changes at once, which would throw all things into confusion, he did not insist on a total change; and he had no objection to the duke of Newcastle or the lord chancellor, but what he insisted upon, he added, was an alteration of measures as well as men: he only required that some obnoxious persons should be dismissed; that the main forts of government should be delivered into the hands of his party; a majority in the cabinet council, the nomination of a secretary of state for Scotland, and of the boards of treasury and admiralty. After some resistance, these points being finally agreed to, Newcastle supposed that in arranging the new administration, he would place himself at the head of the treasury, and declared that it was the earnest and repeated desire of the king. "As the disposition of places is in my hands," replied Pulteney, "I will accept none myself; I have so repeatedly declared my resolution on that head, and I will not now contradict myself:" he then named the earl of Wilmington first lord of the treasury; Sandys chancellor of the exchequer; Carteret secretary of state; sir John Rushout, Gibbon, and Waller, lords of the treasury; a new board of admiralty, including sir John Hynde Cotton; and the marquis of Tweedale secretary of state for Scotland. For himself he demanded only a peerage, and a seat in the cabinet. Before they parted, Pulteney declared that he was under such engagements with the duke of Argyle, that he must acquaint him with all which had passed; and added, that he should not oblige him to secrecy, but leave him at liberty to inform lord Chesterfield or lord Cobham, or any of his friends. Newcastle did not consent to this without unwillingness, and the meeting ended*.

"These negociations created great jealousies, and excited the resentment of those who were not admitted to the con-

* "The account of this negociation with Pulteney, and the subsequent transactions, are principally derived from the Correspondence, Period 7.—From Communications by the bishop of Salisbury.—Life of bishop Newton, who has related the whole transaction from the authority of Pulteney, though not without some slight errors, which I have been enabled to rectify from notes and information, kindly supplied by the bishop of Salisbury." Coxe.

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ferences. Two parties, at a very early period of this business, were forming against the arrangements made by Pulteney, consisting of the great body of the Tories, headed by Argyle, which party was joined by the Jacobites, and the other composed of those Whigs who were not likely to be comprised in the new arrangements. Chesterfield was disappointed that he was not made secretary of state; Waller was irritated at not being chancellor of the exchequer, and thought the situation of a lord of the treasury beneath his acceptance. Cobham, though restored to a regiment, and appointed a member of the cabinet, aspired to a far greater share of power; and the Grenvilles, Lyttleton, Pitt, and Dodington, were highly dissatisfied that they had no share in the new administration.

"In the midst of this growing dissatisfaction, a great point was gained by conciliating the prince of Wales. The arrangement with Pulteney was made without the knowledge of the Prince, to whom it was not communicated before the 2nd of February; but he received the information with due respect, and appeared satisfied with the result. On the 6th he granted a private audience to sir Robert Walpole, and promised his protection against any attacks upon his life or fortune.

"While the posts remained unfilled, and the members of opposition conceived hopes that an arrangement might take place in their favour, the great body continued apparently united; but when suspicions began to be formed of a separate negociation, and the places of secretary of state, and chancellor of the exchequer, were disposed of, without the general concurrence, murmurs and discontents succeeded, and a schism, which lord Perceval* calls, "the death of the late opposition," took place on the 11th of February, when the meeting was held at the Fountain Tavern†.

"It consisted of not less than three hundred members of both houses of parliament. The duke of Argyle, as we are informed by a person who was present, and took an active share on the side of Pulteney, expatiated, with great solemnity of speech and gesture, on the dangerous situation to which the country had been reduced by the late administration of sir Robert Walpole, and on the glorious and steady opposition which had been made to his measures; he said "happily at length, honest endeavours and the just spirit of the people have brought us in sight of the long wished for haven, and as all parties have contributed to forward this important point, it is just that all denominations of men should receive an equal reward of their virtue. If a proper use is made of this fortunate conjuncture, this reward may be obtained. We have a right to expect the total rout of all those who formed any part of the ministerial junto; and such a measure would make room for all."

"After sarcastically observing, in allusion to Pulteney, that a grain of honesty was worth a cart load of gold, he proceeded: "But have we not much reason to fear that this use will not be made of the happy opportunity; that a few men, without any communication of their proceedings to this assembly, have arrogated to themselves the exclusive right of nomination, and from their manner we have sufficient cause to apprehend that they do not intend the general advantage. They have now been eight days engaged in this business, and if we are to judge from the few offices they have already bestowed, they may justly be accused of not acting with that vigour which the whole people have a right to expect. The choice of those already preferred cannot but supply great matter of jealousy; for as this choice has principally fallen upon

* "Afterwards earl of Egmont, author of "Faction Detected," one of the best political pamphlets ever written." Coxe.

† *From the Secker Manuscript.*

"Feb. 12. Meeting at the Fountain Tavern of above 200 Commoners and 35 Lords. Duke of Argyle spoke warmly for prosecuting lord Orford, with hints of reflection on those who had accepted. Duke of Bedford the same. Lord Gower and sir W. W. Wynne more moderate. Mr. Pulteney replied warmly. Lord Talbot drank to cleansing the Augean Stable of the dung and grooms. Mr. Sandys and Mr. Gybbon there. Lord Carteret and Winchelsea not. Lord Chancellor in the evening in private discourse to me, strong against taking in any Tories: owning no more than that some of them perhaps were not for the Pretender, or at least did not know they were for him: though when I gave him the account first of my discourse with the Prince, he said the main body of them were of the same principles with the Whigs."

"Feb. 13. Went with bishop of Glocester to visit lord Carteret, who advised us, in a jocular way, not to oppose without necessity."

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the Whigs, it is an ill omen to the Tories: if they are not to be provided for, the happy effects of the coalition will be destroyed; and the odious distinction of party will be again revived, to the great prejudice of the nation. It is therefore highly necessary to continue closely united, and to persevere with the same vehemence as ever, till the Tories obtain justice, and the administration is founded upon the broad bottom of both parties."

"To these accusations Pulteney replied with no less bitterness; He lamented the severe treatment which he and his co-adjutors had received in return for their services, and for their share in driving the late minister from the helm, to be thus held forth and publicly charged in the face of the world, with things of which no man durst venture to accuse them in private; to be loaded with unjust suspicions and imaginary crimes, which though without foundation would be easily believed in the present temper of the nation. "We deserve," he added, "a very different usage for the integrity with which we have hitherto proceeded, and by which we are determined to proceed. In answer to the imputation, that we have taken the management of the negociation into our hands, let us reply, that overtures having been made to us, it was our duty, (as it would have been the duty of every man, to whom such overtures had been made) to employ all our abilities and endeavours to form a happy settlement, after the divisions with which this country has been so long unhappily rent, and which could not longer subsist without ruining the interest of the nation abroad, and incurring the danger of fatal disturbances at home. The superficial vulgar may indeed conceive that it would have been more equitable to refer the settlement to the decision of the whole party, but surely no man of tolerable understanding and experience can cherish an idea so impracticable and absurd. Government is not yet reduced to surrender at discretion, especially to an enemy who has declared publicly that they would give no quarter; government neither can, will, nor ought to be taken by storm; and it behoves gentlemen to consider the inevitable consequences of such an attempt. The great points in agitation were, to change the minister, and change the measures; the one is already effected, and we will engage to perform the other."

"As to the distribution of employments, there is neither justice, decency, duty or moderation, in dictating to the king, how to dispose of every preferment in the state. His majesty has shewed a disposition to comply with the desires of his people in the most effectual manner; he has already supplied the principal ministerial posts with men, who have hitherto enjoyed the confidence of the people, and cannot yet have forfeited their good opinion, because, though nominated, they have none of them yet done any single act of office. As to the changes already made, they are as numerous as the importance of the matter, and the nature of the thing can possibly admit so soon, and it would have been more to the credit of the party, if their patience had extended a little longer than the few days, that have passed since the time of their adjournment. As to the partial distribution of employments to the Whigs, as far as our interest shall hereafter extend, we will use it faithfully to the king and our country, by recommending such persons, whose principles have been misrepresented, and who are true to his family, let their appellations be what they will. But it must be a work of some time, to remove suspicions inculcated long, and long credited, with regard to a denomination of men, who have formerly been thought not heartily attached to the interest of the prince upon the throne; some instances of this intention have been already given in the late removals, and there will be many more: but it must depend upon the prudent conduct of the Tories themselves, wholly to abolish these unhappy distinctions of party." He concluded by requesting them to consider the false step they had already made, and that this passionate and groundless division would infallibly give new courage to the party they had just subdued; that it discovered a weakness, of which advantage would be certainly taken; that it must inevitably lessen the power of those who were employed, and, if persisted in, would in a great measure prevent the success of their views, both for the public and their friends.

"When the contest was in reality for power, and only in appearance for the public good, it is not to be supposed that arguments on either side, drawn from prudential, disinterested, and patriotic motives, could have the smallest weight. The parties separated with the same virulence



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as they had met, and only waited for an open rupture, until all the places were disposed of; each flattering himself that he might be included in the proposed arrangement.†

"The resentment of the disaffected patriots was still farther aggravated, by the formation of the new Treasury Board*, announced on the 16th of February, in which only one Tory was included.

"With a view to allay these jealousies, the prince of Wales proposed a meeting in his presence, of the chief leaders of the former opposition, particularly Argyle, Chesterfield, Cobham, Gower, and Bathurst. Pulteney came, accompanied by Scarborough, prepared to oppose or to conciliate. The most violent accusations were levelled against him; it was urged, the change of administration ought to be total; the intended alterations were not sufficient; too many of the late minister's friends would remain in power; sir Robert Walpole would still act behind the curtain, and direct the whole machine of government. Pulteney replied, that these accusations were groundless; for even upon a supposition that the ex-minister should still continue to be a greater personal favourite with the king than any of them, or than all of them together, yet it would not be in his power to distress them, provided they remained united among themselves. "Nothing," he added, "but our own dissensions can hurt us; we have the staff in our own hands, and the changes now to be made, will enable us to effect farther alterations at the end of the session. I have stipulated that the duke of Argyle, lord Cobham, lord Gower, the marquis of Tweedale, the earl of Winchelsea, lord Carteret, and myself, shall be members of the cabinet council, and we shall form so great a majority, that the whole power will be in our hands. We shall besides command the whole boards of treasury and admiralty, and have the appointment of several other considerable places. What then have we to fear? Should we attempt a total change at this period, disorder and confusion must ensue. By the pledges we possess at present, we have ample security for future regulations, and with such a power in our hands, we may command any future alterations."

"The prince declared himself satisfied with these reasons; and it was unanimously agreed, they should all go to court together. Thus the authority of the prince, and the expectations of the Tories, that sir John Hynde Cotton would, according to promise, be appointed one of the lords of the admiralty, prevented an open rupture.

"On the 17th the prince, whose establishment had been increased to 100,000*l.* a year, and who was farther gratified with a promise of seats at the admiralty board for lord Baltimore and lord Archibald Hamilton, paid his personal respects to the king, and on the 18th, the whole party who had formed the opposition to the late minister made their appearance at court."*

REPRESENTATIONS AND INSTRUCTIONS SENT FROM THEIR CONSTITUENTS TO VARIOUS MEMBERS UPON THE CHANGE OF MINISTRY.] Upon the removal of sir Robert Walpole, and the alterations in the ministry, there were public rejoicings in London and Westminster. Representations and Instructions likewise were sent to the members of the House of Commons by their respective constituents, from the counties of Suffolk, Oxford, Aberdeen, Renfrew, Air, Dumfries, Lanerk, Hereford, Flint, Devon, Denbigh, Montgomery, Gloucester, Cromartie, Edinburgh, Anglesey, Kincardine, and Chester, the cities of London, Westminster, York, Bristol, Canterbury, Bath, Edinburgh, Lichfield, Coventry, Chester, Hereford, and Peter-

† To this meeting at the Fountain Tavern, sir Charles Hanbury Williams alludes, with his usual wit and satire, in his ode against the earl of Bath, called The Statesman:

"Then enlarge on his cunning and wit:
"Say, how he harangu'd at the Fountain;
"Say, how the old patriots were bit,
"And a mouse was produced by a mountain."

* Lord Wilmington, Sandys, sir John Rushout, Philip Gibbon, and George Compton.

* *From the Secker Manuscript.*

"February 17. Prince of Wales went to St. James's. The agreement made at 11 the night before, and principally by Mr. Pulteney, as lord Wilmington told me. The King received him in the drawing room: the Prince kissed his hand: he asked him how the princess did: shewed no other mark of regard. All the courtiers went the same day to Carlton House. The bishop of Glocester and I went thither. The prince and princess very civil to us both."

"February 21. Prince taken ill of the measles. The king sent no message to him in his illness."

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borough; the boroughs of Bishop's-Castle, Aberdeen, Preston, Monmouth, Tewkesbury, Newcastle under Line, Honiton, Dumfries, Annan, Stirling, Caermarthen, Minehead, Reading, Flint and Marlborough, &c. &c. They all of them strongly recommended a strict Inquiry into past measures, and a proper punishment to be inflicted on the guilty; the restoring Triennial Parliaments, and the passing other good Bills, particularly the Pension and Place Bills: and some of them, besides, remonstrate against Party Distinctions, Standing Armies, and the abuses of Returning Officers, desiring that these grievances may be redressed. The following may serve as a specimen of the whole:

To Sir WATKIN WILLIAMS WYNN, bart. Knight of the Shire for the county of Denbigh.

Sir; we should think we were wanting to ourselves, we should think we were wanting to our country, if we did not take this opportunity of returning you our grateful acknowledgements for your constant attendance to your duty in parliament, as well as for the share you have taken in the glorious struggle that hath been made since the beginning of this session.—We join with the voice of the nation in rejoicing for the success that hath attended your endeavours; but we have a more than common reason to rejoice, because of the most arbitrary methods that have been put in practice, to deprive us of the very birthright of Britons, that of chusing our own representatives. It is to the success of your endeavours, that we owe our being represented in parliament at all, as the Grand Corrupter distinguished you by exerting all the force of corruption against you; it is because he knew your attachment to the true interest of your country. He despaired of being able to prevail upon you to betray us, by whom you was trusted, therefore was you honoured with his more particular malice. We take it, Sir, that you suffered for our sakes, which must recommend you to us more than ever.—Although we have no reason to doubt your endeavours to promote all laws, that may tend to the security of our liberties, yet you will give us leave to recommend some things to you, that call for immediate redress.—We hope, Sir, you will do your utmost to procure an act for limiting the number of Placemen to sit in the House of Commons; the whole world is sensible, that the want of such an act in our late parliaments, brought us to the brink of ruin.—We likewise request of you, that you will endeavour, that a law may be obtained to prevent the villainous practices of returning officers, and that some punishment may be provided equal to the heinousness of the crime. We have reason to know, Sir, that the freedom of parliaments may be lost without such a law.—We must desire you likewise to oppose Standing Armies in time of peace, a useless burden, altogether unknown to our ancestors, that of late are become so numerous, that like the locusts of Egypt, they cover the face of the land, living in sloth and idleness, and devouring the labours of the industrious, that have cost the nation millions, and in twenty years have not done one day's service for their country.—We also intreat you to do what you can towards healing that wound made in the constitution by the Septennial act; that we may be restored again at least to Triennial parliaments, that we and our representatives may not have time to become strangers to each other.—Above all, Sir, we must press you to push for a fair and impartial inquiry into the shameful conduct with respect to affairs abroad, as well as the corrupt management at home, things which cannot be thought of without indignation. You have been instrumental in bringing one of the tools of corruption to shame; we hope you will be instrumental in punishing him, who set such tools to work. It is fit that you and we should understand one another. We have a right to speak plainly to you, and we must tell you, Sir, that if the man that ruined our trade, disgraced our arms, plundered our treasure, negociated away our interests, impoverished the land,—in a word the author of all the calamities and disgraces of 20 years, should (while the whole nation is calling out for justice against him) triumph in impunity, we shall be apt to think our constitution is lost. We are, &c.

To Sir WILLIAM COURTENAY, bart. and THEOPHILUS FORTESCUE, esq.; Representatives in Parliament for the County of Devon.

We the high sheriff and grand jury return you thanks for your faithful services, and for your having so heartily contributed to the now pleasing prospect of affairs.—Persevere in your integrity, and let the Constitution in church and state be inviolably preserved.—Restore Triennial parliaments,



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the best security of British liberty; use your utmost endeavours to limit the number of placemen in, and exclude pensioners from the House of Commons.—Be it your particular care to procure a proper law for the security and encouragement of the woollen manufacture; the decay of which is so sensibly felt in this county.—Let numerous Standing Armies in time of peace be abolished; in time of war be made useful. —Strictly inquire into the conduct of those who have insulted the merchants, sacrificed the trade, and prostituted the honour of Great Britain, that their punishment, upon due conviction, may be as exemplary as their crimes are notorious.

The REPRESENTATION of the Lord Mayor, Aldermen and Commons of the City of LONDON, in Common-Council assembled, to the Right Hon. Sir Robert Godschall, knt. Lord Mayor; Sir John Barnard, knt.; Mr. Ald. Lambert and Mr. Ald. Heathcote, their Representatives in Parliament.

This court doth take this public occasion to acknowledge their grateful sense of your vigilant and faithful conduct in parliament, which hath already contributed to the production of many good effects.—As they have now reason to hope for a change of measures as well as of men, they desire you will strenuously promote all those salutary laws, as are or shall be proposed in the House of Commons, such as the Place Bill, a Pension Bill, and the repeal of the Septennial Act, in order to restore the ancient freedom of our constitution, and secure it against all future attempts, either of open or secret corruption, or of any undue influence whatsoever.—And more particularly they recommend, that you will persist, with unwearied diligence, to make the earliest and strictest inquiry into the causes of all past mismanagements, and exert your utmost endeavours to prevent the like for the future. —And they further expect, that you will extend such inquiry to all persons, who, in their respective employments, have contributed to the complicated evils, which have so long oppressed and dishonoured this nation.—And they congratulate themselves and the whole kingdom, that from the virtue and spirit of the present parliament every odious name of distinction will soon be lost among us, and that from this happy period they may date the entire abolition of parties, of which the most pernicious use has hitherto been made, to the imminent danger of our liberties.—For now they may reasonably expect, that those who wish the real and solid support of his majesty and his royal family, and are qualified by their virtues and abilities, may have it in their power to serve both their king and country; and that no distinction will remain, but of those who are friends or enemies to the constitution, of those who would maintain the freedom and independency of parliament, and of those who would subject it to corrupt and ministerial influence.

The REPRESENTATION of the City and Liberty of WESTMINSTER, to the Right Hon. the Lord Visc. Perceval, and Charles Edwin, esq.

We the burgesses and inhabitants of the city and liberty of Westminster cannot avoid taking the first opportunity of paying our most grateful acknowledgments for your faithful behaviour during this short, but important period of parliament; and though we have no reason to doubt your steady perseverance, yet we cannot think it altogether improper to acquaint you with our sentiments on the present crisis of affairs;—a crisis which we apprehend must determine the fate of us and our posterity, and render this kingdom, either a glory or scoff among the nations.—We have beheld, with the deepest concern, such measures pursued for many years past, as have manifestly tended to disgrace the name, betray the interests, ruin the trade, weaken the liberties, and depress the courage of the British nation. It is now with the most sensible pleasure we behold the agreeable prospect of being delivered from the fatal effects of such measures, by the virtue of a truly British parliament, and the removal of those persons who, supported by the influence of corruption (that canker of our constitution) have too long wantoned in the abuse of power, and mocked the calamities of an almost despairing people.—But, as the melancholy experience of past times evinces, that the removal of the person of a minister from the helm, is insufficient for securing the interests and liberties of a people, while his creatures, his maxims, and his views, are entailed upon the government; we therefore hope you will most strenuously oppose them, and endeavour to procure us such a constitutional security, as may prevent this kingdom from suffering by the like errors or

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iniquities for the future.—As the strictest enquiry only can satisfy, so nothing but the most rigorous justice ought to avenge an injured people; it is therefore we earnestly intreat you to make a diligent scrutiny into the authors of those grievances we have so long groaned under, and not suffer impunity to be the lot of the oppressor:—Justice is a duty you owe to posterity, as examples are most likely to prevent future evils:—Should the disturber of the public be permitted the enjoyment of private tranquillity, or his influence remain in those councils from which his person is removed, we conceive that such an event at this juncture must give a fatal encouragement, or rather sanction, to a wanton and wicked exercise of power in all succeeding ministers:—Lenity to such a one would be cruelty to the nation; and the calling to a severe account the instruments of pernicious measures, however unavailing to procure us reparation for what is past, may have the happy effect of henceforth preventing the like violations of the constitution, the like profusion of public treasure at home, and the like prostitution of the public faith and honour abroad.—We zealously recommend to your endeavours the extirpating those party distinctions, which, though their foundation have long ceased to exist, were yet so industriously fomented among us, in order to serve the mischievous purposes of a ministerial tyranny, and in opposition to the real and permanent interests of the present royal family. The common interest, it is hoped, has now united all parties and persuasions, and every man will be regarded only as he prefers the welfare and liberties of his country to any private dependance or venal consideration whatever.

A LETTER from the right hon. George Haliburton, esq. Lord Provost of the city of EDINBURGH, to Archibald Steuart, esq. our Representative in Parliament.

Sir; The virtue, spirit and vigilance of this present parliament has already been productive of so many good effects, as give an earnest to the nation of what may be expected from a constant perseverance in the same paths.—The restoring and maintaining the ancient constitution, and the preserving the freedom of parliament have been long the objects of the desires and wishes of the nation, as the only preservatives against all undue influence, the proper cement of the affections of the subjects to his majesty and his royal family, and the certain antidote against the effects of corruption and ministerial influence.—As we now have a very near prospect of attaining these glorious ends, we earnestly recommend to you to promote and concur in bringing in and carrying through, such salutary laws as shall be conducive thereto; of such number we reckon a Place-Bill, Pension-Bill and the repeal of the Septennial Act, the most necessary.—As our constitution has been broke in upon, by which the nation has manifestly suffered, we desire you, with the greatest zeal and assiduity, to concur in making the strictest inquiry into the cause of past mis-managements, as the best means to prevent the like for the future. And, as this nation has been long oppressed and dishonoured by a complication of evils, we heartily recommend to you the strictest inquiry into the conduct of the several persons who, in their respective employments, have contributed thereto, and, by bringing them to justice, thus rub off the stain that has, for some time, blackened and obscured our country.—As your past conduct in parliament has given us the greatest satisfaction, we take this public opportunity to acknowledge it, and to return you our thanks, and are confident, that as the honour that will attend the prosecution of the above measures, so manifestly for the good of the nation, will be exceeding great, you will steadily follow them out, with all the assiduity and vigilance in your power. I am, &c.—Signed in presence and by appointment of the council,

GEORGE HALIBURTON, P.

At a General Meeting of the Mayor, Aldermen, Common Council, &c. of the city of CANTERBURY, it was unanimously agreed that the following Representation should be forthwith delivered to the hon. Mr. Watson, and Thomas Best, esq. their Representatives in Parliament.

Gentlemen; We should be much wanting in gratitude, and truly undeserving of future favours, should we be remiss in our acknowledgment of those already conferred; and therefore beg leave to offer our most hearty thanks for your late honest endeavours in parliament to retrieve the glory of an injured people, and save us from sinking under the insupportable anguish of a ministerial oppression, thereby so nobly discharging the duty we

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have reposed in you; nor must we omit our congratulations on the success of your attempts for the public good, nor zealously to implore your further assistance to limit the number of placemen, repeal the Septennial Act, and bring all those to punishment who have any ways abused the public trust; that a prostitution of power may be no longer tolerated, but that all wholsome laws for the good of the subject may be duly and speedily enacted; and finally, that a work, by so many worthy patriots thus laudably begun, may terminate in the restoration of our undoubted rights, and the total extirpation of our oppressors, to the honour of our king, the preservation of our country, and the terror of future delinquents.

To the Hon. General Wade and Philip Bennett, esq. Members for BATH.

Sirs; The higher sense we have of the blessings we should enjoy, was our constitution preserved, the higher must our fears be, when we are in danger of having that destroyed, the higher our resentment against those who contribute to destroy it.—Corruption is its principal adversary; and we receive continued accounts, that all her arts have been employed, all her charms of riches, honours and pleasures, have exerted their united force, to disengage the representatives of the people from an attention to the cause of liberty, which they were commissioned to maintain and defend: can we then sit silent and unalarmed? No; we must remind you of the importance of the charge we have committed to you, and recommend to you an honest but zealous inquiry into the conduct of those, to whom those charges of corrupt practices are imputed; that though no prejudice of party, no affectation of popularity should expose them to the indignation of numbers, if innocent; yet should no artifice, no prevarication in them, no false tenderness in you, skreen them from punishment, if guilty; that succeeding statesmen, when they consider an oppressed people have demanded and received justice, may be intimidated from pursuing measures destructive of the public interest, and support our constitution in its original purity.—We recollect, with approbation, the restraints laid on electors in the act against bribery in elections, and think it reasonable we should have some security for the virtue and integrity of the elected, by provisions for disabling pensioners from sitting in your House, and by limiting the number of placemen that should sit there.—Power may be corrupted by too long an enjoyment of it; the temptation to abuse it would be considerably lessened, was the Septennial Act repealed and the call of parliaments Triennial.—The decay of trade in general, and the woollen manufacture, which we are eye-witnesses of, in particular, are reasonable subjects of complaint; we expect from you, inquiry into the causes of this decay, and an activity in redressing them.—These are our sentiments, ye are our representatives, and we are your electors.

INSTRUCTIONS to the Earl of Euston, and William Grove, esq. Members for COVENTRY.

As it is the first time this weighty trust of being a representative in parliament, has been reposed in you, Mr. Grove, we take this opportunity to congratulate you, and express the great joy and satisfaction we receive from our happy choice of a person so deserving of us and the public, whose true patriot zeal and behaviour for the honour and service of your country, at first setting out, and faithful discharge of that trust during this short but critical period, give us an early and strong confidence of your future good conduct.—And though we entertain not the least doubt or suspicion of your perseverance at this important juncture, when Great Britain, formerly the envy of her neighbours and arbitress of Europe, is, through the iniquitous measures of a junto of persons influenced and supported by corruption, stript of her ancient power, wealth, and glory, and betrayed, oppressed, and enslaved, we may say, beyond hopes of redemption, should not a virtuous British parliament seasonably exert herself for her deliverance:—And though you, my lord Euston, by having been longer a representative in parliament, cannot but better know the source of these grievances, and will (we hope) by your future disposition and actions, shew a just abhorrence of them; yet we your constituents, as it is our undoubted right, must freely declare our sentiments, and insist, that you both (laying aside all party distinctions, odious to every well-wisher of his country) use your utmost endeavours to weed out the corrupted and their corruptors, and carefully guard and provide against their pernicious schemes, and redress the injured, by a strict inquiry into the unhappy state of the nation, and vigorously pursuing the

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wicked contrivers of its present calamities till they are brought to condign punishment; that others may hereafter be deterred from the like evil practices, which have so much contributed to the decay of trade in general, and the ruin of our woollen manufacture in particular, too sensibly felt in this city, and throughout the whole kingdom.—And as Septennial parliaments are an innovation upon and injurious to our constitution, especially when crowded with placemen and pensioners, ministerially made use of to carry on evil designs, and for corrupt purposes, we earnestly request your strenuous assistance and hearty concurrence, in making such wholesome laws, as may inevitably prevent those abuses for the future.—We are, gentlemen, whilst you act vigorously for the public good, Yours, &c.

INSTRUCTIONS from the High Sheriff, Gentlemen, Clergy, and Freeholders of the County of SUFFOLK, to their Representatives in Parliament, Sir Jermyn Davers and Sir Cordell Firebrace, barts.

Your unshaken zeal and attachment to the true interest of your country, in the present nice and critical juncture, call for, and justly merit the strongest expressions of our gratitude; and therefore we cannot omit this opportunity of declaring our highest satisfaction in the proof you have given us of the faithful discharge of that great and important trust, which by the general voice of this county was committed to you.—As we feel in our breasts the warmest emotions of joy, when we reflect upon that pleasing prospect of future ease and happiness to this nation, which now lies open to us, after having groaned for so many peaceful years, under the heavy and oppressive burden of taxes, together with the sinking and ruinous state of our most useful and beneficial trade; so we cannot but earnestly recommend to you, not doubting your diligent attendance on your duties in parliament, as far as health will permit, the full completion of that good work which is so happily begun, by using your utmost endeavours to obtain redress and restitution to an injured people, from those who (as we apprehend) have for so many years wantonly supported their own power, by embezzling and infamously prostituting the national treasure to the ends of corruption, and the influencing of former parliaments; to which purpose we recommend it to you, to join in a strict and severe inquiry into the causes of our having received so little satisfaction for the many insults and injuries which the nation has so long, and so disgracefully sustained, and to bring the authors of pernicious councils to such a condign punishment, as is fitting for the assertors of the honour of their country to inflict, and for the destroyers of it to receive. And since we have now the best-grounded assurance of that dearest blessing which can happen to a free people, an uninfluenced, independent House of Commons, above the reach of bribery and corruption, we must further recommend it to you to oppose strenuously the keeping up of Standing Armies in times of profound peace, to concur in some proper bills for the limiting the number of Placemen in parliament, for repealing the Septennial act, and for the effectual prohibition of the running of wool; the exportation of which to foreign countries we apprehend to be the cause of the fatal decay of that manufacture in this kingdom, and of the prodigious increase of the poor; with all other such salutary laws, as shall at any time be laid before you.

To the right hon. the Lord Viscount Quarendon, and Sir James Dashwood, bart. Members of Parliament for the County of OXFORD.

We the high sheriff and grand jury of this county esteem it a peculiar happiness to have this opportunity of congratulating you on the success that has thus far attended your uninfluenced and approved service in parliament. And though the necessary and long wished for method of a parliamentary inquiry into the conduct of past measures has been hitherto defeated, we depend on your firm perseverence in requiring that justice so necessary at present, to satisfy the yet uncorrupted constituents of this nation, that their honest efforts have not been in vain, and to convince those who have been deluded by artful misrepresentations, that our complaints have not been groundless.—We further require your concurrence with those, who we now hope will vindicate the disinterested sincerity of their endeavours, that have so often proved ineffectual to obtain a place bill. How necessary it is to provide this guard for our constitution, the repeated instances of its preservation, by the independency

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of former parliaments, sufficiently evince.—We likewise cannot but expect, from an independent majority of this parliament, a repeal of the Septennial act, an innovation as dangerous as this constitution ever suffered, making a trust of such importance irrevocable for more than half the computed term of life, and thereby depriving the electors of approving a worthy representative by a repeated choice, or rejecting those who, from motives destructive of freedom, deviate from the principles that alone recommend them to their constituents.

February 18. Both Houses met pursuant to adjournment.*

* "On the 18th, the two Houses met, and the writs for the members appointed to the new board of treasury were issued. The Tories and disaffected Whigs did not, however, yet venture to begin a new opposition. Argyle accepted the office of master-general of the ordnance, and a regiment of horse of which he had been dispossessed. No opposition was made to the motion on the 22d for ordering that a million should be taken from the sinking fund, towards raising a supply; a mode of proceeding for which they had reprobated Walpole with unabating virulence. The House having resolved itself into a committee of supply, Phillips, a violent Tory member, moved to defer the committee for the purpose of taking into consideration the state of the nation, but he was only feebly supported: sir W. W. Wynne, no less vehement on the same side of the question, was the only member who spoke in favour of the motion, and it was dropped without a division.

"At length the new board of Admiralty was declared, and sir John Hynde Cotton was not included. As all the places were now disposed of, and all expectations annihilated, the Tories and disaffected Whigs openly appeared in battle array against the new ministry. The duke of Argyle, disgusted that the marquis of Tweedale was appointed secretary of state for Scotland, and dissatisfied that a large body of his needy descendents were not provided for, resigned. The prince of Wales soon withdrew his support, and his most confidential servants, particularly Pitt and Lyttleton, violently opposed the new administration.

"In this situation of parties, the Tories and disaffected Whigs opposed the re-election of the members who had accepted the places at the board of Admiralty. Lord Baltimore was opposed in Surry by the duke of Bedford; Dr. Lee was thrown out at Brackley, by the interest of the duke of Bridgewater; lord Limerick, who was to have been appointed secretary at war, in the place of sir William Yonge, could not venture to vacate his seat for Tavistock, on the certainty of not being re-chosen, as it was a borough belonging to the duke of Bedford. He obtained a reversion of the place of king's remembrancer in Ireland; and sir William Yonge, the adherent of sir Robert Walpole, was permitted to continue secretary at war. Orford had now succeeded in dividing opposition, and forming an administration on a Whig basis. The firm phalanx of opposition was disunited; Pulteney was duped and deceived by those with whom he had negociated, and deserted even by those whom he had promoted." Coxe's Memoirs of sir R. Walpole.

* From the London Magazine.

*Debate in the Commons on granting a Supply previous to a Redress of Grievances.**] February 19. The order of the day being read for the House to resolve itself into a Committee of Supply,

Mr. *Phillips* stood up and said:

Sir; I never trouble you long on any occasion; I shall be very short upon this. I suppose, it is understood, if we go now into a committee of supply, it is in order to vote an army; and I beg leave to submit it to gentlemens' judgments, whether matters are yet ripe for such a vote. It was the custom of our wise ancestors first to redress grievances, and then to grant supplies; and if their example had been followed in succeeding parliaments, we should not have heard of the complaints that are now before us from our merchants: let us therefore now revive the long depressed spirit of true Englishmen, and not be blindly led to make grants before we make inquiries.

The hon. gentleman who moved you yesterday to go into a committee of supply, was pleased to say, 'The business of the nation had been long postponed:' I beg leave to ask that hon. gentleman, does he think the great business of the nation is to grant supplies only? Surely Sir, I hope we are met here for other purposes too: the granting supplies, though necessary, is always laying a burthen upon the nation: The redressing grievances is always salutary and pleasing. Shall we grant men and money, at a time complaints are made of misapplications of men and money, without first inquiring into the grounds of those complaints? Shall we precipitately grant supplies, without first considering our ability to grant them, how they are to be applied, and who is to apply them?

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The king calls to us for advice, the ministry call to us for men and money: Who are we first to answer? Why does the king call to us for advice? that we may consider the state of affairs, and know what men and what money to grant. Shall we then implicitly grant men and money, without first considering what men and what money it will be proper and necessary to grant? Is this parliamentary? can we judge of that necessity, till we consider the state of the nation, and the situation we are in with regard to foreign affairs? Surely no. I am as much for granting the necessary supplies of the government as any gentleman in this House; but I cannot answer it to my constituents to vote for them, till I am thoroughly satisfied of the necessity of them, and that they will be better applied than the 5,267,000*l.* granted last year.

I hope, therefore, Sir, we shall defer the supply till we have been in a committee of the whole House, to consider of the State of the Nation, which was a measure proposed by an honourable gentleman over-against me, very early in the session*, and will, I hope, be pushed.

Sir *William Yonge:*

Sir; we have heard so often, and upon so many occasions, of the custom of our ancestors, that I must begin with wishing, we would in this age observe the custom of our ancestors, in all our proceedings in this House. They never opposed a just and wise government in any of its measures, nor did they ever talk of redressing grievances, but when some such really existed. When this happened to be the case, they did not leave people in the dark, or the government to guess what they meant: they explained particularly every grievance they thought the people laboured under, and they proposed what they thought the most proper and speedy remedies. Under a wise government, this could never interfere with the granting of the necessary supplies, because such a government will certainly, if they can, redress every grievance, as soon as they are properly informed of it; and if they cannot without a new law, they will as certainly concur in the passing of a proper law for that purpose. The redress of grievances therefore never could, nor ever was with our ancestors a cause for postponing the necessary supplies, but under an unjust or unwise government, that would neither redress, nor concur in redressing those grievances, which were particularly explained, and declared to be such by a majority of the representatives of the people. Nay, our ancestors were upon this head so moderate, that after they had particularly set forth the grievances of the people, and had remonstrated against them in the strongest terms, they seldom or never, in the same session, refused granting the supplies necessary upon that occasion: after they had done their duty in laying before the government the grievances of the people, they trusted to the government for redressing them, at least till next session; and then indeed, if they found the government had made no step towards that end, they had good reason in the next session to insist upon an immediate redress of those grievances they had before complained of, previous to their granting any supplies.

This, Sir, was the custom of our ancestors, the uniform custom of our ancestors, I believe, from the first original of our constitution, quite down to the Revolution. From that time indeed we have had, and now in particular we have a party amongst us, who talk every session of grievances, and of redressing grievances before granting supplies, without ever so much as once explaining to us any one grievance they desire to be redressed. For my part, I do not know any one grievance the people are now exposed to; for I am sure no honest and loyal subject will ever look upon those taxes as a grievance, which are necessary for the security of our government, or for paying off the interest and principle of those debts which were contracted for defending us against popery and arbitrary power. Those taxes, indeed, afford a handle which the disaffected have always endeavoured to make use of, for rendering the people discontented. They dare not avow that the only grievance they feel, is the continuance of our present happy establishment; but they exclaim against those public burdens, which have been made necessary by their designs to subvert our constitution, and to which most of them owe the religion they profess, and all of them the security they now enjoy, as to their lives, their liberties, and their properties.

I am far from supposing, Sir, that any gentleman in this House, is to be ranked among this sort of people: the oaths we have taken make such a supposition impossible, or at least very uncharitable; but I

* Mr. Pulteney. See page 334.

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am afraid, many gentlemen, both within doors and without, through not attending to the dangers our government has frequently, and from time to time, been exposed to, have allowed themselves to be misled by the specious arguments, cunningly insinuated by this sort of people. They represent all the dangers our government has been lately exposed to as imaginary: they, indeed, have reason to do so; because those dangers have been all owing to their machinations, either abroad or at home; and from this false gloss they put upon those dangers, they conclude, that our ministers have suggested them with no other view, than to put the public to an extraordinary expence, that they might have an opportunity to enrich themselves out of the spoils of the people. This is specious, but not true; yet false as it is, it has, I fear, imposed upon many well meaning men without doors, and not a few within. The same sort of people represent the power of the crown as excessive, and by much too great to be consistent with the liberties of a free people; though, in reality, it is no greater than is absolutely necessary for preserving us against the rebellious or seditious practices of those, who should they succeed in their designs, would neither leave the face of liberty, nor the face of true religion amongst us. This, I know, has likewise imposed upon many well meaning gentlemen, and has made them look upon some parts of our present constitution as grievances, which are absolutely necessary for preserving us against the greatest of all grievances, and that which would be the source of every other grievance a free people can apprehend, I mean, the overthrow of our present happy establishment.

I hope, gentlemen will consider of these things, when they hear grievances thus generally talked of in this House, before they resolve to postpone supplies till we have redressed grievances which nobody knows of. I know of nothing that has as yet been declared a grievance by a majority of this House. Surely, before we can redress any grievance, we must know what it is we are to redress, we must resolve that it is a grievance which ought to be redressed. But our present grievances, it seems, are of a very extraordinary nature: They are such as cannot be discovered or explained, till we have resolved ourselves into a committee of the whole House to consider of the state of the nation. This, Sir, is really something like a lady in the vapours: She is in a very bad state of health: She fancies herself oppressed with several distempers; but she cannot tell what they are, till she has had a consultation of physicians to find them out, and explain them. The consequence generally is, that these physicians, in order to make themselves her necessary and expensive attendants, suggest to her fancy diseases she never felt, and make her swallow pills and boluses till they throw her into a real distemper.

I wish, Sir, this may not be our case: I wish this may not be the consequence of our resolving ourselves into such a committee; however, I shall not determine myself to be against it, till I hear what reasons may be offered for our going into that committee; but since it has been so long delayed, I am surprised to hear gentlemen pretend, that our not having been in such a committee is a reason for our postponing the supplies; especially now that it is so late in the year as well as in the season. If they think our going into such a committee necessary, why did not they move it sooner? Could they expect that such a motion would be made by those who do not think any such motion necessary? From such a behaviour one would really suspect, that they delayed making this motion, on purpose to have a pretence for postponing the supplies. I hope this is not the case: I am persuaded it is not. They could not hope for success in any such project; for, in my opinion, no man who considers the danger Europe as well as this nation is in at present, will upon any consideration postpone the granting of those supplies, which are necessary, not only for the support of our government, but for enabling his majesty to take speedy and effectual measures for preserving a balance of power in Europe.

When I reflect, Sir, upon the dangerous, I may say desperate situation, the balance of power is now in, and the consequential danger this nation must of course be in: When I reflect upon the precarious situation our trade and navigation both in the Mediterranean and American seas, nay, I may say in every part of the world, must be reduced to, unless we can force Spain to give up that unjust pretence for searching and seizing our ships, even in time of peace, on account of contraband goods: When I reflect upon the wise measures his majesty has already taken, or is now pursuing,



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for redeeming Europe, as well as this nation, from such a dangerous situation; I say, when I reflect upon these things, I cannot but be astonished, that any gentleman should propose the postponing of the necessary supplies, till we have redressed grievances, which are so little felt, that they have not as yet been discovered, or at least have not as yet been declared to be such by any resolution of either House of Parliament.

Let us consider, Sir, the formidable confederacy against the House of Austria, and the present forlorn condition of that House. The queen of Hungary has shewn a most surprising spirit in her distress: Her subjects have done wonders in her and their own defence; but the confederacy is so powerful, that she cannot resist it another campaign; nor can we by ourselves alone give her such assistance as will be effectual. Some of the princes in the confederacy must be drawn off, and a new confederacy formed for her support. Neither of these can be done without money, nor can it be done at all, if it is not speedily done. Now, Sir, suppose France should succeed in all her ambitious projects both in Germany and Italy: Suppose she should establish her vice-emperor upon the imperial throne, reduce the queen of Hungary to her terms, and establish her son-in-law, Don Philip of Spain, in a new-erected kingdom in Italy, what are we then to expect, Sir? Can we expect a happy issue of our war with Spain? Must we not submit to any terms France shall please to prescribe? If we do not, she will, by her orders, or her influence, bring all Europe upon our backs; and after the bravest, the most obstinate defence we can make, we must at last submit to what terms our enemies shall please to propose. The freedom of our trade and navigation would certainly be the first sacrifice to this fatal event; and our independency, our religion, our liberties and properties would as certainly be the last; for as to our lives, it would then be the interest of France, though not our own, to preserve them, as much as it is the interest of a master to preserve the lives of his slaves. These are events which I think of with horror, and therefore I cannot agree to postpone any thing that may prevent them. I hope the House will be of my opinion, and, consequently, refuse to postpone any longer granting the necessary supplies, for the sake of redressing grievances, which are neither felt by the people, declared by this House, nor explained or particularly set forth by those that talk of them.

Sir *Watkin Williams Wynn*:*

Sir; I shall readily agree with the hon. gentleman who spoke last, that our ances-

* The following Lines, addressed to sir Watkin on the Change of Ministry, appeared in the London Magazine for April, 1742.

THE INVOCATION.

Humbly inscribed to that much honoured and very worthy Patriot, Sir WATKIN WILLIAMS WYNNE, Bart.

ASTRÆA! dear, celestial maid,
From Heaven direct thy flight;
Come, come to poor Britannia's aid,
An injur'd nation right.
Bob long the public bane has been:
O! drag him from behind the screen.

Sweet goddess of the golden age!
Assist 'em at the helm;
Inspire, with a becoming rage,
The guardians of this realm:
May Justice now, for once, be seen,
And drag him from behind the screen.

What! shall an enemy so great,
So pestilent a man,
Three kingdoms at defiance set,
And ev'ry soul trepan?
Behold his proud, insulting mien!
O drag him from behind the screen.

Since now Corruption's overcome,
Let all her foes confess,
That still Britannia dares strike home,
And all her wrongs redress;
Dares help the brave Hungarian queen,
And switch the snake behind the screen.

Tutelar saint! puissant George!
This worst of dragons smite;
Make his great, glutted paunch disgorge,
And own superior might:
From thy brave lance, so long, so keen,
The monster, O! may nothing screen.

How will the nation shout for joy,
When, on thy brisk attack,
She sees the serpent sprawling lie
Upon his burnish'd back!
The beast bedeck'd with blue and green,
May no pretence or colour screen.

Committee choice, of twenty one!
A strict inquiry make;
Do well the work that you're upon,
And cause old Bob to quake:
Pull down the pond'rous, huge machine,
That totters thus behind the screen.

From senators so wise, we, sure,
Great things may well expect:
True Britons will our trade secure,
And Robin's deeds detect;
The vessel of the state careen,
And sink the hulk behind the screen.



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tors never opposed, or, at least, that they never ought to have opposed a just and wise government in any of its measures, nor ought they to have talked of redressing grievances but when some such really existed; but I should be glad, that gentleman, or any gentleman, would shew me a government, that did not assume to itself the great character of being just and wise, or that would admit any thing to be a grievance which they had no inclination to redress. 'Pius,' 'Felix,' 'Inclytus,' were characters assumed by the most cruel, the most brutish of the Roman tyrants, as well as the most just and glorious of their emperors; and those great characters were more profusely bestowed by the slavish Roman senate upon the former, than ever they were upon the latter. In this House, Sir, we ought never to talk of the government, because it is the king's; but we may talk of the administration, we may censure it, without any incroachment upon our constitution. It is often our duty to do so, and I will say, that no administration had ever less title to be called just and wise, than that which this nation has been under for twenty years past; so that the behaviour of our ancestors under a just and wise administration, can be no rule for our conduct at present, nor any argument against what my hon. friend has proposed.

We ought upon this occasion to consider, what was the conduct of our ancestors, when real grievances not only existed, but were generally and loudly complained of by the people, which is our case at present. In all such cases, we shall find it to have been the constant practice of our ancestors to begin with an inquiry into our grievances, and to insist upon their being redressed, or upon having proper bills passed for that purpose, before they granted any supplies; and this they have done even when the nation was in the utmost foreign danger. The memorable instance in the reign of Richard the 2nd never can, never ought to be forgot by a British House of Commons. The French had then prepared for a most formidable invasion upon England: they had a great army assembled: they had transports ready for that army: they had a naval force which we could not, which we did not, pretend to oppose at sea; and all this within a day's sail of the mouth of the river Thames. In this condition we were, when the parliament assembled, which that king had called for granting him the supplies necessary for maintaining the army he had prepared, and that army was then, for want of money, living at free quarters round the city of London. In such a dangerous, in such a terrible situation, what did the parliament do? Did they grant the necessary supplies? No, Sir. The first thing they did was to present an Address to his majesty, to remove the lord high treasurer, and the lord high chancellor, from his councils and presence; and that all those through whose hands the public money had passed, might be called to a strict account. That king, by the advice of these guilty counsellors, returned a most haughty answer, and ordered them, in an imperious stile, to grant the supplies he demanded; but this had a quite contrary effect: it made the other House join with this in a message to the king, that they would proceed to no business, till his ministers were punished according to their deserts. The king was at last forced to comply: the ministers were removed and punished; and the two Houses joined in appointing fourteen commissioners to examine the public accounts, and to take care of the public affairs, in the name and with the consent of the king.

I shall mention another instance of a much fresher date. Before the Revolution* it had been found by experience, that the long continuance of one and the same

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Brave, independent Britons, don't
Our expectations mock,
(No, no,—such worthy members won't,)
But bring him to the block:
Let no vile hindrance come between,
No scurvy Act of Grace,—no screen.

For here,—true patriots, one and all,
Compassion so misplac'd,
A kind of cruelty must call,
Or clemency debas'd:
'Tis justice, not unchristian spleen,
That cries aloud, No screen, no screen.

Their lives shall vulgar villains end,
At Tyburn's triple tree?
The ladder little rogues ascend,
For robbing two, or three?
To ruin realms is worse, I ween;
For such, there ought to be no screen.

Thrice noble, independent peers!
The faithful commons join;
Blow up,—brave British engineers,
And spring the cursed mine:
Of ills the monstrous magazine,
That latent skulks behind the screen.

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* See Vol. 4, p. 992.

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parliament was a grievance of the most dangerous consequence to our constitution. At the time of the Revolution sufficient care was not taken to remove this grievance; and, therefore, the parliament very soon resolved to supply that defect. So early as in the year 1692, the famous Triennial Bill * was brought in, and passed both Houses, but king William, though he came here to secure and establish our liberties, was so ill advised as to refuse it the royal assent. This made the Commons resolve, as soon as they met in November 1694, to have this Bill passed both Houses, and assented to by the king, before they granted any supplies; and, accordingly, the very first thing they did, was to order a bill to be brought in 'For 'the frequent meeting and calling of par-'liaments,' which was accordingly brought in the 22d of that month, and received the royal assent the 22d of the next†. We all know, Sir, what a dangerous situation Europe in general, as well as this nation in particular, was in at that time. We were engaged in a heavy war, upon the success of which the liberties of Europe depended: we had a very numerous disaffected party at home, who were continually forming plots, and encouraging the French to invade us; so that our religion, liberties, and independency, in a great measure, depended upon the parliament's granting the necessary supplies for carrying on the war; yet in these circumstances this House insisted upon the Triennial Bill's being previously passed into a law; and it was lucky they did so, for if they had not taken that opportunity, when the Dutch were in so much danger, we should probably have had no such Bill during that reign, nor perhaps, to this very day. It would have been lucky for the nation, had the parliament at that time insisted as strenuously upon the other bill, which had been refused the royal assent in the preceding session, I mean the bill 'Touching 'free and impartial proceedings in parlia-'ment;' for though the necessity of some such bill for securing the independency of parliament is now too apparent; yet, I am afraid, it is out of our power to make use of the same method for obtaining it.

Thus, Sir, if we follow the steps of our ancestors, no danger, no inconvenience, will ever be thought a prevailing argument for our granting all the necessary supplies before seeing any one public grievance redressed. I was surprised, Sir, to hear the hon. gentleman say, that the party who talk of redressing grievances before granting supplies, have never yet explained any one grievance they desire to be redressed. The bad conduct of our ministers, and their profusion of public money, have been often set in a clear light in this House, and are loudly complained of by all impartial and independent men without doors; the Septennial Act has been demonstrated to be a grievance of the most dangerous consequence to our constitution*: the allowing of such a number of placemen, or any private pensioners, to have seats in this House, has been demonstrated to be a grievance of the same nature; and I could mention several other grievances that have been fully and particularly explained, and have been exclaimed against not only by a great party in this House, but by the whole nation without doors. I shall grant, that many of them have not as yet been declared to be grievances by a majority of the people's representatives in parliament, but they have been declared to be such by the general voice of the nation; and the reason why the people's representatives do not seem to be of the same opinion with the people, is of all others the grievance most sensibly felt, and most loudly complained of.

The reason of this most surprising difference in opinion is generally supposed, Sir, to proceed from the prevalence of corruption, both at elections and in parliament. The majority in parliament has for a great many years, been supposed to be biassed in their opinions, or directed in their declarations, by the posts, pensions, or bribes, they possessed, received, or expected; and this is looked upon by the whole nation as the greatest grievance, and as the source of all our other grievances: nay, it has been often declared to be so by a majority of this House. Pension and Place-bills have often passed through this House, and, consequently, we must allow, that corruption has been declared to be a grievance by a majority of the people's representatives in parliament; and that it is a grievance that has been felt and ought to be removed, or, at least, that it is a grievance which may be felt and ought to be prevented. As this

* See Vol. 5, p. 768.
† Ibid. p. 860.

* See the Debate on Mr. Bromley's motion for repealing it, Vol. 9, p. 394.

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House, or at least the majority of us, are as independent, and as little liable to corruption, as any former House ever was, I hope, we shall be of the same opinion; but as most of those bills have been rejected by the other House, or by the crown, we may from experience be convinced, that we shall never be able to get any proper and effectual law passed for preventing corruption, unless we very speedily take the same method that was taken in 1694 for obtaining the Triennial Bill. I say very speedily, Sir, for corruption is of such a dangerous nature, that like fire, if we allow it to get to a head, it will be impossible to extinguish it, till it has reduced to ashes the beautiful fabric of our constitution.

The hon. gentleman may not, perhaps, know any grievance the people think themselves subject to, because he has never, I believe, kept company with those that had reason to complain: he may not, perhaps, be sensible of the burdens the people feel themselves loaded with, because he has always had a great deal more from the public, than he was obliged to pay to the public charge. There are many other gentlemen, and not a few in this House, in the same case with him. I shall not attempt to derogate from the merit of such gentlemens' services to the public, but I can assure them, that the people generally think, not only that we have by far too many such servants, but that most of them have much greater stipends than they deserve. This is what the people look upon as a grievance. They do not find fault with the taxes necessary for the security of our government, or for paying off the interest and principal of our debts; but they think, that a great part of the taxes they pay, has been misapplied, by maintaining a great number of unnecessary officers, and paying a great number of extravagant salaries; that many of those officers have purloined, and applied to their own use, large sums of the public money that passed through their hands: the people cannot help thinking so, when they see a public officer grown immensely rich, notwithstanding his being known to have come into that office as poor as a rat, and to have spent yearly much more than his salary, extravagant as it was, could afford. This is what the people complain of: This is what they think the parliament ought to enquire into, before they grant any more supplies; a great part of which may probably, without such enquiry, be disposed of in the same fraudulent manner.

The people likewise complain, Sir, of our maintaining numerous armies, fitting out formidable squadrons, paying foreign subsidies, and keeping foreign troops in our pay, none of which were necessary for the support of our government, however necessary they might be for the support of our administration. The people know how useful the disposal of commissions in our army and navy may be to a minister at an election or in parliament; and they know what purloinings may be secretly made from a foreign subsidy, or from the pay of foreign troops; but they know nothing of the dangers that have made those expences necessary, or that were prevented by putting the nation to such an extraordinary charge. For these twenty years past, has it been so much as pretended, much less proved, that there was ever any machination or plot contrived or set on foot by the disaffected, or that we have been threatened with any invasion? For I hope, it will not now be affirmed, that there was any ground for those apprehensions we were terrified with, in order to make us swallow that bitter pill, the treaty of Hanover. When gentlemen talk of the plots and machinations of the disaffected, and of the dangers we have from thence been exposed to, they do not consider, that they furnish us with one of the strongest reasons for going upon an enquiry into our late conduct, before we proceed to any other business; for as the nation has upon that account been every year put to an extraordinary charge, during the long course of our late minister's administration, and as no proofs have ever yet been offered for shewing that we were in any danger; as time, the discoverer of all things, has never yet found out any thing of this kind, we are under an indispensable duty to enquire into it; for if it should appear that there never was any such danger, we must then conclude that our late minister and his accomplices were in a plot against our constitution; and that they made use of those imaginary dangers as a pretence for getting money, to enable them to carry on their corrupt practices against our constitution.

I hope, Sir, I have shewn that our grievances are not such as cannot be discovered or explained till we have resolved ourselves into a Committee of the whole House, to consider of the State of the Nation. They are such as are well known: they are such as have been, and are now severely felt by all those who have no share in being the

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cause of them. Our distemper is therefore very far from being imaginary: it may properly enough be compared to that which is got by a commerce with prostitutes, which, if not speedily prevented by an effectual remedy, either destroys the patient, or very much weakens his constitution. I wish this may not already be our case. I am sure it will very soon be so, if we do not take care to render it almost impossible for any prostitute to have a seat in this House; and this cannot, I think, be done, unless we resolve to defer granting all the necessary supplies, till we see proper bills for this purpose not only brought in, but approved of by every branch of our legislature.

As some farther demands may probably be made upon us at the present conjuncture, this may, perhaps, be a reason with some gentlemen for not deferring the supply necessary for maintaining our army. They may, perhaps, think that we shall hereafter have an opportunity to insist upon a redress of our grievances, before we grant all the supplies which our present circumstances may render necessary; but besides its being a bad precedent, I do not really see, Sir, how we can determine what number of troops may be necessary for the service of the ensuing year, till we have considered the state of the nation in a grand committee. The affairs of Europe are, we know, in a very confused and dangerous situation: we likewise know, that we stand engaged as guarantees of the *Pragmatic* Sanction; but all the powers now confederated against the queen of *Hungary*, except the duke of Bavaria alone, are engaged to guarantee that *settlement* as well as we, and if we do not perform that engagement, we cannot be *accused* of any breach of faith, because the breach of faith committed by the other *parties* concerned, has made the performance on our part impossible, at least that *sort of* performance which consists in sending troops to her assistance. We may send her money, and this method of assisting her will, perhaps, be the best for her, and, I am sure, the most convenient for us. If this should be resolved on, and this, I think, is the only thing that can be resolved on, unless we have an assurance of being joined by some of the most considerable powers upon the continent, we ought to disband a great many of the troops we have now on foot; for surely our war with Spain does not require our keeping up such a numerous land army as we have at present, especially if no better use should be made of it in time to come, than has been in time past. Therefore, till we consider the state of the nation: till we know what may be expected from the Dutch, and other powers of Europe, equally, if not more concerned than we are, for preserving entire the dominions of the House of Austria, it is impossible for us to determine what number of troops ought to be kept up for the ensuing year: and our determining this question, before we are duly prepared for that purpose, will have a very bad effect upon the minds of the people, because it will make them imagine, that this parliament is to give credit to, and to act upon the bare assertions of ministers, as implicitly as some late parliaments have done, which would make them despair of ever meeting with any justice or relief from parliament; and no one can tell what fatal effects the despair of a brave people may produce.

I am very much surprised, Sir, to hear gentlemen ask, Why did you not go sooner into a committee upon the state of the nation? Why was it not moved for by those who think it necessary for us to go into a committee? Does not every one know how much our time was taken up with elections of very great importance, till the very day before our last adjournment? If no such adjournment, which was no way expected, had happened, the question would probably have been moved, and we should have been in a committee upon that affair before this time. Therefore, those who think it proper we should consider the state of the nation, before we determine what standing army is necessary to keep up for the service of the nation, are not to be blamed for not having made any such motion, but those only who were the advisers of that adjournment; nor can I see any reason why such a motion might not be made by some of those who are our ministers, as well as by those who are not; for, in my opinion, if we had a due regard to the dignity of our proceedings, we ought, in every session, to take the state of the nation into our consideration, before we grant any supply, or, at least, before we make any particular grants for that purpose. According to our late custom, the ministers tell us what number of men they think necessary for the land service, and they give us an estimate of the charge: upon this we go into the committee of supply, and there we agree to the number, with-

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out inquiring whether so great a number be necessary or no; we approve of the estimate, many of us, I believe, without looking upon it, and we grant the sum total at the end of it. Is this consistent with the dignity of parliament? Does it not look like putting an implicit faith in the wisdom and integrity of our ministers, who, I am sure, very seldom deserve so much confidence? Is it not giving away the money of our constituents without knowing why or wherefore, though one of the chief ends of sending us hither, is to take care, that no more of their money shall be granted for the public service, or any branch of the public service, than is made appear to be absolutely necessary.

I therefore think, that in regard to the dignity of our own proceedings, and to that character we ought to keep up among the people, the custom should be revived and established, of taking the state of the nation into our consideration every session of parliament, before granting any particular sums for the supply; and I can see no danger in putting off providing for our army, for a week or ten days, that we may in the mean time take the state of the nation into our consideration. I shall readily concur with the hon. gentleman in admitting, that the nation is in a most dangerous state; I think, it is in a most terrible situation, with regard to affairs both foreign and domestic. In the last two heavy wars we spent above a hundred millions sterling, we contracted above fifty millions of debt, we loaded our people and our trade with many heavy taxes, in order to establish a system of affairs in Europe, by which the balance of power might be preserved; and now after a peace of thirty years with no one interruption but what we brought upon ourselves, I may say, out of mere wantonness, we find the nation loaded with very near the same debt, our people still groaning under the same taxes, our trade ruined by that debt and those taxes, and the system of affairs in Europe turned topsy-turvy; so that unless God Almighty interposes by some extraordinary instance of his providence, we must submit to see our most inveterate enemy lording it over the continent of Europe, and at last over ourselves; or we must engage in a new war as heavy, as dangerous, and perhaps as tedious as the last; and when we seriously reflect, we have the mortification to find, that all this has been chiefly owing to our own conduct. This is, indeed, a most melancholy, a most dreadful situation: we have been brought into it by our parliament's taking every thing upon trust from our ministers; therefore, I hope, we shall do so no more. I hope we shall now consider first the state of the nation; because from thence alone we can determine what number of troops ought to be kept up for the ensuing year; for if there is no appearance of our being able to form a proper confederacy upon the continent, we ought to disband a great part of our troops we have now on foot, in order to be able to encrease our naval force; because it is upon that alone, after the balance of power upon the continent is destroyed, that we must depend for the continuance of our future independency.

This debate being over, the House resolved itself into a grand committee on the Supply, and came to the following Resolutions; viz. "That a number of Land-Forces, for guards, garrisons, &c. (including 2,323 Invalids) amounting to 35,554 effective men, commission and non-commission officers included, be employed for the year 1742: and that 1,004,947*l.* 10*d.* be granted for defraying the charge thereof: that 11,550 marines, commission and non-commission officers included, employed for the year 1741, be continued for 1742; that 206,253*l.* 15*s.* be granted for defraying the charge thereof: and that 53,995*l.* 13*s.* 4*d.* be granted for maintaining a regiment of foot raised in America, for the service of the West Indies, for 1742."

Feb. 22. Mr. Scrope reported from the Committee of Supply the foregoing Resolutions: upon which,

Mr. *Phillips* spoke as follows:

Mr. Speaker; I do not rise, Sir, to oppose any of the Resolutions that have been now read to you, but only to take notice, that when some of those resolutions were agreed to in the committee, I mean particularly those relating to the marines, and the regiment in America, the committee was in so great a confusion and disorder, that it was impossible for any gentleman who was not close to the table, to know what was doing. It is greatly for your honour, Sir, that you never suffer any question to be put, without keeping the House to the strictest attention; and, I hope, that for the future, before questions of this great importance are put in the committee, the chairman will take care to preserve the same attention, that every gentle-

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man may have an opportunity of giving his dissent, as well as his assent, and that nothing may be obtained by surprize.

Now I am up, Sir, give me leave to take notice, that the troops voted in the committee, which are now to be agreed to by the House, amount in the whole to 50,867 men, which is 815 more than were voted last year; and those are exclusive of the troops in the Plantations, Minorca, and Gibraltar, which are likewise on the English establishment. You have thirteen regiments, and fourteen companies of invalids there, which amount to above 11,700 men; so that in the whole you have in the British pay, besides foreigners, above 62,500 landmen and 40,000 seamen, which cost the nation above 3,611,000*l.* per annum; and these are exclusive of half-pay officers: a large number of forces, indeed, too great, I fear for this nation long to support; therefore, I hope, Sir, I trust from what an hon. gentleman over the way said in the Committee, (and I repose great confidence in what he does say) that these troops will not only be kept up, but that they will be employed; and the moment the necessity of keeping them up ceases, that the troops shall also cease, I mean all those that are not necessary for guards and garrisons at home. If this is done, the nation will be convinced there is an alteration of measures as well as men, and that the troops were not kept up to awe the people into a slavish dependence on men in power at home, but to retrieve the almost lost honour and reputation of the nation abroad; that they were not kept up to make fine shews in camps, and at reviews, but to do the nation real service; that they were not kept up to influence elections in England, but to restore the balance of power in Europe. These considerations will make every man cheerfully contribute his proportion to the expence of them.

Give me leave to say a word more: when these supplies are granted, I hope, we shall all join hand in hand to make inquiries, to redress grievances, and to pass such wholesome bills as may effectually put it out of the power of any ministry to mislead the king, to corrupt the parliament, or to enslave the people. If these measures are taken, and, I hope, these measures will be taken, England will again rear its head, the mutual confidence that ought to subsist between the king and his subjects will be restored, and the spirits of the people, which have been long depressed with the weight of heavy taxes, without any prospect of relief, will be revived, trade and manufactures will flourish, and we shall, indeed, be a new people. The prospect of these things, Sir, is greatly pleasing, and the more so, when we consider, that they are in our power: let us then cheerfully set about this great work, and England will date the æra of its happiness from the glorious session of 1741.

Then the said Resolutions were agreed to.

*The Pension Bill brought into the Commons.*] Feb. 26. Ordered, that leave be given to bring in a Bill, 'For making more effectual the laws for disabling persons from being chosen members of, sitting or voting in the House of Commons, who have any Pension during pleasure, for any number of years, or any office held in trust for them;' and that Mr. Carew, lord Gage, and Mr. Phillips do prepare and bring in the same.

March 1. Mr. Carew presented to the House the Pension Bill, which was read the first time.

*Resolutions of the Grand Committee on the Merchants Petitions.*] March 4. Sir Robert Godschall reported from the Committee of the whole House, to whom it was referred to consider of the several Petitions of the Merchants;* the Reso-

* "Notwithstanding the plausibility of these petitions, it is certain they were destitute of all just foundation. The ministry, before the commencement of the war, had foreseen and foretold, that the sufferings of their trade would be much greater than the petitioners then imagined, because of the extensiveness of it, which did not admit of its being protected equally in every quarter by his majesty's ships. The vast squadrons that had been fitted out for the West-Indies, the Mediterranean, and the channel service, had rendered it impossible to station more cruizers to protect the trade, than they really had; and the perpetual complaints entered by the merchants against pressing men, rendered their application, at this time, unjust and unreasonable. It appeared, that the number of ships complained of, (admitting what was far from being the case, that they had been all taken by the enemy,) was very moderate, considering the great disproportion they bore to the numbers of English captures in the reign of king William and queen Anne. During the former reign, no fewer than 4,000 English ships had been taken by the enemy; and in the year 1707, when upon a like complaint of the merchants before parliament, it appeared,

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lutions of the said Committee, which were agreed to by the House as follow:

Resolved, 1. "That notwithstanding the repeated applications of the Merchants, for cruizers to be properly stationed for the protection of the trade of this nation, from the privateers of the enemy, the due and necessary care has not been taken to keep a proper number of his majesty's ships employed in that service, more especially in and near the channel and soundings; for want of which, many ships have been taken by the enemy, some of them of considerable value, to the great loss of many of his majesty's subjects, the great advantage and encouragement of the enemy, and the dishonour of this nation. 2. That the detention of the fleet of merchant ships bound to Portugal, for near twelve months, by the refusal of protections for some time, and the delay of convoy afterwards, gave our rivals in trade an opportunity of introducing new species of their woollen manufactures into Portugal, to the great detriment of this kingdom."

*A Bill ordered for the Security of Trade and Navigation in time of War.*] It was also ordered, *nem. con.* That leave be given to bring in a Bill for the better protecting and securing the Trade and Navigation of this kingdom in times of War, and that sir Robert Godschall and sir John Barnard do prepare and bring in the same. Also, That the above Resolutions be laid before the king, by such members as are of the privy council.

March 8. Mr. Comptroller reported to the House his majesty's Answer to the said Resolutions, "That he will always have regard to what is represented to him by the House of Commons."

DEBATE IN THE COMMONS ON LORD LIMERICK'S MOTION FOR APPOINTING A COMMITTEE TO ENQUIRE INTO THE CONDUCT OF AFFAIRS AT HOME AND ABROAD, DURING THE LAST TWENTY YEARS: *From the London Magazine.**] March 9. The Serjeant at Arms having in the usual manner summoned the Members to attend, a motion was made by lord Limerick, "That a Committee be appointed to enquire into the conduct of our affairs at home and abroad, during the last twenty years;" whereupon a great debate ensued. In support of his motion,

Lord *Limerick* spoke as follows:†

Sir; among the many important duties

that in about two years time, 1,146 English ships had been taken by the enemy, and that at times when the nation had not one half of the merchant-ships at sea, as it had when the petitions in question were presented. Add to this the number of British seamen, supposed in the year 1742, to be in the enemy's hands, did not amount to above 3,612 men; whereas it was admitted by the friends of king William's memory, that in his time, 15,000 English seamen were exchanged with the enemy; and in the year 1707, though the war had not continued for above five years, 18,000 had been exchanged, 2000 more were then actually in the enemy's hands." Tindal.

* Two distinct Reports of this important Debate, having appeared in the London and Gentleman's Magazine, it has been thought proper to preserve both of them in this Collection. The London Magazine gave the debate in December 1742; the Gentleman's (compiled by Dr. Johnson) in May 1743.

† *From the Secker Manuscript.*

"March 9. Motion in the House of Commons for a Secret Committee, to enquire into our affairs for 20 or 21 years. The Speaker said Ayes had it: one that was for it divided the House. The Noes carried it by 244 against 242. Mr. Sandys at Worcester. Mr. Pulteney at home. His daughter dying. The prince at Kew. Several of his servants and several Scotch Members not at the House: nor lord Winchelsea's brothers. Gybbon, Rushout, Barnard, voted for the Committee, but did not speak. It is said that the Prince had before this, written to lord Carteret, to desire that lord Archibald Hamilton and lord Baltimore might be Lords of the Admiralty, and that this had been promised.

"March 10. Duke of Argyle resigned his places to the king. He gave for a reason that a proposal had been made to him for going Embassador to Holland, which he understood to be sending him out of the way. It is said that this day the Prince refused to see Mr. Littleton.

"March 11. A Metting of 186 Commoners in the opposition at the Fountain Tavern. Resolution to attend, &c.

"March 13. Lord Winchelsea, A. Hamilton, Baltimore, admiral Cavendish, Dr. Lee, Mr. Trevor, Mr. Cockburne appointed Lords of the Admiralty."

"March 9. The motion for a Committee of Enquiry is over: carried against it 244 to 242. I wish you joy of it.

"March 11th. I wrote the above, in order to give you the earliest intelligence of this event as soon as I was informed of it, on Tuesday night, but it was too late for the post. The motion was, "for appointing a committee to

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of this House, there is not one, which, when faithfully discharged, can contribute more to the good of our country, and the glory and security of our sovereign, than that of enquiring strictly and impartially into the conduct of those who are intrusted by the king with the executive part of our government. In all countries, Sir, the real interest of the king, and that of the people, depend so much upon one another, and are so inseparably connected, that no king, even the most arbitrary, would ever neglect, or act in opposition to the interest or happiness of his people, if he were well advised, and well served by his ministers; but as the private views of ministers are generally inconsistent with the true interest of the people, they often by flattery, or some other means, prevail upon their master to act in direct opposition to his own interest, as well as that of his people; or they encourage his indolence, or divert his attention, that they may the more freely oppress those whom he is, both in interest and duty, obliged to protect. As kings are generally beset by their ministers, the misfortune is, that the king seldom hears of the grievances or complaints of the people, till by an insurrection he is tumbled headlong from his throne, or forced to secure it by the massacre of great numbers of his subjects; but by our happy constitution, the sovereign of these kingdoms is secure against this misfortune, because by means of this House, while it remains independent of ministers, the king must hear of, and may in time redress the grievances of his people; and if any of his ministers have been guilty of misconduct, it will be discovered by a fair and an open enquiry.

Thus, Sir, it must appear, that in duty to our king as well as our country, we ought to enquire often into the conduct of his ministers. This is our duty at all times, but it becomes more indispensably so, when the people appear generally dissatisfied with the administration, and call aloud for an enquiry into the conduct of our public affairs. From this introduction, Sir, it may be presumed, that I am to conclude what I have to say, with a motion for an enquiry; but to shew, that this enquiry ought to go as far back as I design it should, I must beg leave to make a few remarks upon the conduct of our ministers for twenty years past; and in order to obviate the common objection, that our measures have been all approved of by parliament, I shall begin with observing, that it is, and may be justly suspected, that during the time I have mentioned, our ministers have taken most unjustifiable methods for gaining a corrupt influence, both at elections and in parliament. While our constitution subsists in its full force, it is certain, that the parliament, or at least this House of Parliament, will always be of the same complexion with the generality of the people. It is from this

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enquire into the conduct of our affairs at home and abroad for 20 years last past;" it was made by lord Limerick, and seconded by sir John St. Albin: Pitt, Lyttleton, sir John Cotton, and Phillips, were the chief who spoke for it. Mr. Pelham, sir William Yonge, Wynnington, the Attorney General, Mr. Coke, and lord Hartington, against it. The two last spoke very prettily; the Attorney and sir William, very well; Wynnington, never better or so well. It was in general a decent, orderly debate. Sir John Barnard did not speak, nor any of the new lords of the treasury; but they divided for the question. Sir John St. Albin was shut out on the division, and there were a matter of 14 retired into the Speaker's chamber. Not a friend of lord Orford's deserted him, except Jemmy Lumley: lord Baltimore was either absent, or voted against the question; the rest of the prince's servants were for it.

"Never was a greater disappointment. Those who proved the minority were so confident of being the majority, that the great Mr. Dodington harangued in the lobby those who went out at the division, to desire them not to go away, because there were several other motions to be made in consequence of that, and likewise to bespeak their attendance at the Fountain as to night, in order to settle the committee. Upon which, sir G. Oxenden, after they found it was lost, whispered a friend thus, "Suppose we were to desire Mr. D. to print the speeches he made just now in the lobby." The first good consequence of this has been the duke of Argyle's throwing up. The new ministers may now surely be satisfied they can do without him; and cannot but think they may do better without him than with him. I am assured, that yesterday a fresh signification was made from the Prince to the King, that he and his would heartily concur in the King's measures. It is now pretty certain that neither lord Granard nor sir John Cotton will be in the Admiralty: the list that at present is printed, is, lord Winchelsea, admiral Cavendish, lord Archibald Hamilton, Mr. Cockburn, lord Baltimore, Dr. Lee, and Mr. Trevor. There is no great doubt made but that the six first will be in the commission: whether or no Mr. Trevor will, is not so clear. It seems very well judged to put in lord Archibald and lord Baltimore." Coxe's Walpole: Correspondence; Mr. John Orlebar to the reverend H. Etough.



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House his majesty is to know the sentiments as well as the complaints of his people; therefore, when measures generally disliked by the people, meet with an approbation from this House, it may be justly suspected, that some illegal methods have been taken for obtaining that approbation; and if upon a new election a minister, who by his crimes or imprudence has rendered himself generally obnoxious to the people, should nevertheless get a majority of his friends, or rather creatures, returned as members of this House, we must suppose, that some illegal methods were taken for obtaining those returns.

This consideration alone, Sir, without any other proofs, is sufficient to convince every impartial man, that for twenty years past an illegal influence has prevailed both in parliament and at elections; for during that whole time we have been governed by a minister, who as soon as he got into the administration, rendered himself unpopular, and who has every year since that time, increased that unpopularity, by pursuing measures both at home and abroad, which were inconsistent with our constitution, or with the honour and interest of the nation. It is very well known, Sir, what a ferment was raised in the nation by the execution of the South Sea Scheme in the year 1720: it is known, that the ferment then raised was far from being allayed by the measures taken, the year following, for punishing the guilty and restoring public credit. The discontents were so great, that from his late majesty's own authority, in his speech at the beginning of the next parliament, I can say, they gave hopes to the disaffected amongst us, and encouraged them to enter into a conspiracy for overturning our present happy establishment. The nation being in these circumstances, one would have expected from the nature of our constitution, that the new parliament, which was summoned in 1722, would generally have consisted of such as were no friends to the administration; but when the parliament assembled, this House soon appeared to be of a ministerial, instead of being of a popular complexion; from whence one must naturally, and, I think, necessarily conclude, that our ministers had found means to corrupt a majority of our elections; and this conclusion is very much strengthened by the large sums granted for paying off the debts of the civil list before, and soon after the chusing of that parliament; for in 1720, the sum of 800,000*l.* was paid for this purpose by the two insurance companies: in 1721, 500,000*l.* more was granted by parliament for the same purpose, and in 1725, another sum of 500,000*l.*

Besides these large sums, Sir, which were granted openly and expressly for paying off the debts and incumbrances of the civil list; by a clause artfully slipt into an act of parliament in 1721, an annual sum of above 36,000*l.* was added to the civil list; by ordering, that the old pensions and annuities charged upon the hereditary revenues should, for the future, be paid without being deemed to be part of the 700,000*l.* settled upon his late majesty for his life; and in 1725, the sum of 101,800*l.* was taken from the sinking fund, to complete his late majesty's civil list revenue to 700,000*l.* per annum, and soon after 42,200*l.* was taken from the post-office revenue.

Thus, Sir, it appears, that in the last 7 years of his late majesty's reign, there was no less than 1,444,000*l.* extraordinary grants made to the civil list, besides its being freed from the payment of 36,000*l.* yearly, which it was before charged with; and it is very remarkable, that in 1720, the same minister, who has ever since, I may say, presided in our councils, forsook being a Country Gentleman*, as he had before professed himself, and again begun to be a minister of state. This, I say, very much strengthens the conclusion, that in the year 1722, when a new parliament was chosen, the minister had found means to corrupt a majority of our elections; and this will answer for that parliament's having made such extraordinary additional grants to the civil list, without having ever so much as once enquired, in a proper manner, into the produce of the civil list revenue, or into the management of those revenues; it will likewise answer for that parliament's having approved of the treaty of Hanover, without appointing a secret committee to inquire into the truth of the improbable facts pretended as the cause of that treaty; and it will answer for the minister's asking from, and that parliament's granting, an addition of 120,000*l.* per annum to the civil list, during his present majesty's life.

I come now, Sir, to the second parliament which was chosen under the same minister's influence. By the conduct of our minister, and the compliance of the

* See Vol. 7, p. 442.

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last parliament, it may be supposed, the discontents of the people were no way allayed: it is certain they were rather increased, when a new parliament came necessarily to be chosen in the year 1727. His present majesty's happy and peaceable accession to the throne had, it is true, given great joy to every good subject; but that joy had no sort of relation to the ministers of the former reign: on the contrary, it was very much increased by its being generally presumed, that the ministers, or at least the chief minister of the former reign, would be dismissed and called to a strict account; therefore it was to be expected, that the people would chuse such representatives as were well affected to his majesty, but it was not to be expected, if they were left to a free and uncorrupted choice, that they would generally chuse such as were known to be attached to the former administration. Yet, nevertheless, it soon appeared, that such men were generally chosen, which of itself is a strong argument against this parliament's being freely chosen, and this argument receives additional strength from the memorable extraordinary grant of 115,000*l.** which was made to the civil list at the beginning of his present majesty's reign.

The very same administration being continued by his present majesty (for the few new members added have always been looked on as cyphers) and this new parliament being likewise of a ministerial, instead of being of a popular complexion, the civil list, by this means, got some new acquisitions, during this parliament; the vast expences the nation was put to in paying foreign troops, for securing us against chimerical dangers, were approved of; and the treaty of Seville, by which a foundation was laid for ruining the House of Austria, without gaining any one advantage to this nation, met with a parliamentary approbation; and the losses and complaints of our merchants, occasioned by the Spanish depredations, both before and after that treaty, met with no regard from parliament, at least none but what was, I may say, dictated by our ministers. Thus the behaviour of this parliament became, I think, a convincing proof of the methods by which it was chosen: and its continual compliance gave our minister at last the courage to bring a scheme into parliament, which would at once have absolutely ruined our constitution, by giving all future ministers the direction of most of our elections. When I say this, Sir, I believe, every gentleman that hears me will suppose, I mean the Excise-Scheme which owed its disappointment, not so much to the virtue of this House, as to some noble lords who not only persuaded their friends here to be against it, but would probably have prevented its being agreed to in their House, if it had been passed in this.

This most wicked and desperate scheme, Sir, worked the discontents of the people almost into madness. It raised such a ferment in the nation, that the minister and his chief supporters in the scheme, were burnt in effigy at many places in the kingdom; and as this happened in the summer 1733, one may easily judge, what temper the people were in, with regard to our ministers, the summer following, when a general election for a new parliament came necessarily on; for no one can pretend, they had in the mean time done any one thing, either at home or abroad, for reconciling themselves to the people, but on the contrary, some officers had been dismissed for no other reason, but their appearing against the Excise-Scheme; and several necessary and popular motions had been rejected in the last session of this parliament by the influence of our ministers.

In these circumstances, Sir, can it be imagined, that the people, if left to a free and uncorrupted choice, would return a majority of those who were the professed friends and supporters of our minister? Yet a majority of such were returned as members of this House, and some of them were rechosen at the very places where they had, but the year before, been burnt in effigy. This parliament accordingly behaved as the former two had done: they agreed to every thing the minister proposed: they approved of every thing he did, abroad and at home; and they rejected every motion, and every bill, which he but seemed to dislike. They furnished money for fleets and armies to assist the Emperor, and they also approved of our giving him no assistance: they made a considerable addition to the civil list, under pretence of its suffering by the Gin Act*: they took no notice of the delusive

* See the Account of this Grant, and also the names of the Members who voted for and against it, in Vol. 8, p. 702.

* See Vol. 9, p. 1059.

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and provoking treatment our commissaries had met with in Spain, because our minister seemed resolved to put up with any thing rather than enter into a war: and to sum up all, they approved of the late Convention.

From hence, Sir, I think, it must be presumed, that this parliament was chosen by the same sort of influence the two former had been; and upon the choice of this parliament, I must make one observation which ought to be taken particular notice of. Some of the noble lords who declared themselves openly against the Excise-Scheme, and persuaded their friends in this House to vote against it, were of the sixteen peers for Scotland. And it is very remarkable, that not one of all those peers could get himself rechosen at the next election, though they were of as good families, and had as good characters as any lords in the kingdom; and every one knows, they were turned out of every office or employment they held at the pleasure of the crown.

Whether any corrupt practices have been made use of for influencing gentlemen in their way of voting, I shall not pretend to decide: I hope every gentleman would disdain being so practised upon, and would resent the attempt in a gentleman-like manner; but from what I have said, I hope, there will appear something more than a presumption, that some such practices have been made use of at elections for 20 years past; and when we see gentlemen turned out of honourable or lucrative employments, for no other assignable reason, but because of their voting against ministerial measures in parliament, it must be allowed, that without any personal threatenings, or even without a personal application, it will have some influence upon those whose subsistence chiefly depends on the employments they possess at the pleasure of a prime minister. Therefore, I hope it will not be made use of as an objection to the motion I am to make, that for these last 20 years, accounts have been regularly laid before, and all our measures approved of by parliament. On the contrary, as there is so much ground for suspicion of corrupt practices having been made use of, and as those practices can be detected by nothing less than the power and authority of parliament, this very approbation becomes one of the strongest reasons for a parliamentary inquiry.

After what I have said, Sir, I think it unnecessary to enter into a particular examination of the many steps in the conduct of our public affairs, that have given so great disgust to the nation; and for which no reason could ever yet be assigned that was satisfactory, or so much as seemed satisfactory to those who neither possessed nor expected any place under the government. Some I have cursorily mentioned, and if, upon this occasion, an attempt should be made to justify any of them, I hope, the arguments made use of for that purpose will be fully answered by those whose sentiments are the same with mine. An impartial and strict inquiry into the conduct of our public affairs is what the whole nation expects from this new parliament; and therefore I shall conclude with moving, "That a Committee be appointed to enquire into the Conduct of our Affairs at home and abroad, during the last 20 years."

Sir *John St. Aubyn*:

Sir; the enquiry moved for by the noble lord, is so generally and so loudly called for by the people without doors, and it is what we have in former parliaments been so often provoked to by those within, who have had for many years the direction of our public affairs, that I can suggest to myself but one reason for its being now opposed by those very men, who have formerly thrown out defiances, and provoked us to enquire into their conduct. In former parliaments, when they threw out those defiances, they were well assured of having a great majority of their friends in the House, and consequently of having such gentlemen named, to be of the secret committee, as would follow their directions in the enquiry they were to make; and from such an enquiry they could fear no danger, even though the evidence of their guilt had been as clear as the sun at noon-day.

That this, Sir, would be the consequence they knew by experience, because they had had a proof of it in the affair relating to the frauds of the customs, which was brought under the consideration of the House by the famous Excise-Scheme; for the reason given for putting that insufferable yoke upon the necks of the people was, the many frauds committed in the customs. These frauds our ministers said were entirely owing to the artifice and cunning of our merchants and shopkeepers; and that it was impossible to prevent or put a stop to them, any other way

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than by turning all the considerable branches of our customs into an excise. On the other hand, our merchants insisted, that most of the frauds in our customs were owing to the misconduct, neglect or connivance in the officers, and that they might be almost entirely prevented by some proper regulations, and by having a watchful eye over the conduct of our custom-house officers.

This, I say, Sir, our merchants insisted on. They not only insisted upon it, but they went farther. They got their friends in the House to move for an inquiry into the Frauds of the Customs; and our ministers having set those frauds in such a hideous light, could not avoid consenting to such an inquiry; but what was the consequence? As they had a great majority in the House, the commissioners of the Treasury,* and a few more of their own particular friends, were put upon this select committee of inquiry. That is to say, the gentlemen who have the nomination, both of the commissioners and officers of the customs, and are, consequently, answerable for their conduct, were appointed to enquire into and detect their misconduct, without any indemnification to those smugglers that should come to give evidence against a commissioner or officer, or to any inferior officer that should come to give evidence against his superior. Upon the appointment of such a committee, the merchants despaired of any success, therefore they resolved to give themselves no trouble; and the enquiry ended, as every one expected it would, in a justification of all the commissioners and officers of our customs.

This was a most certain proof to our ministers, that they could never be in any danger from an inquiry into their conduct, as long as they had so great a majority in parliament; and accordingly, from henceforth, they began to be more frequent, and more presumptuous in throwing out their defiances than they had ever been before. But the case is now altered: the majority of this House seems to consist of such as will not approve of their conduct, unless they find it merits their approbation; therefore, if a select committee of enquiry be appointed, it will probably consist of such gentlemen as will make it their business to enquire strictly and impartially; and this may, perhaps, be a reason for their endeavouring now to prevent, what they have so often provoked; but if they do, it will be a stronger argument for the motion, than any I can think of in its favour, and therefore I shall add no more, but conclude with seconding what the noble lord has proposed.

Sir *Charles Wager:*

Sir; the hon. gentleman who spoke last, has suggested such a reason for opposing this motion, as, I believe, he thinks, will make gentlemen ashamed to oppose it; and, indeed, if I were upon this question to determine myself by the regard I have for the administration, and without any regard to my country, or to the dignity of this House, I should be far from opposing it: on the contrary, I should, before now, have taken an opportunity to make some such motion, for the very reason suggested why some gentlemen should be against it: I mean, because I am convinced, that a proper committee would be appointed, and that that committee would enquire in the strictest and most impartial manner. This, I am sure, is what every one, who has the honour of being employed by his majesty, most heartily wishes for, and they have all reason to do so, because it would put an end to all those calumnies, which by some people, for what reason may be easily guessed at, have been so artfully invented, and so industriously spread against them.

For this reason, Sir, if I were to lay aside all regard for my country, as well as the regard I have for the dignity of this House, I should most heartily concur in any motion for an enquiry into the conduct of our public affairs; because I am not only a friend to those employed in the administration, but have the honour to have some small share in it. But the true interest of my country, and the real dignity of this House, shall always, with me, outweigh every private or personal consideration; and therefore, let gentlemen think what they will, I must be against an inquiry which I think unnecessary, or at a time when I think it would be dangerous; because an unnecessary enquiry I take to be inconsistent with the dignity of this House, and an enquiry, at such a critical conjuncture as the present, would certainly be of the most dangerous consequence to the nation. A minister may be calumniated, and may have most glaring

* For the Names of the said Committee, every one of whom voted for the Excise-Scheme; as also of those members who were proposed on the other side, See vol. 9, p. 10.

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falshoods propagated against him. Was there ever a minister that had not? But when the charge against him is known to be false, would it be consistent with the dignity of this House to take up our time with an inquiry into his conduct, merely for the sake of vindicating his character? Suppose we had reason to think that the charge against him was not altogether groundless, would it be prudent or right in us to divert ourselves with an inquiry into his conduct, at a time when the very being of the nation was at stake, and when the preservation of our country required our closest attention?

Upon both these accounts, Sir, I must be against the inquiry proposed. I do not think there is the least truth in the stories that have been propagated, nor the least foundation for any charge that has been brought against the administration in general, or against any particular man concerned in it. They are all, indeed, without any proof, or they are of such a nature as I cannot think criminal; because they relate to the measures pursued by the administration, all or most of which I have, as a member of this House, approved of, because at the time they were respectively transacted I thought them right. And if any of them should now appear to have been wrong, which I am far from being convinced of, I must impute the error to the weakness of human wisdom, and not to any criminal intention in those that advised or pursued them.

This, Sir, is my way of thinking, and while I think so, I must look upon an inquiry into the conduct of our public affairs as absolutely unnecessary, and consequently inconsistent with the dignity of this House. But suppose I thought otherwise: suppose I thought some of our ministers had, through weakness and wickedness, misled the crown, or that they had been guilty of illegal practices in the execution of what was committed to their care by the crown, I should be far from thinking the present a proper time for enquiring into and punishing their misdemeanors; because, however guilty they might be, the nation could not suffer by a delay of justice, whereas it might suffer, perhaps be undone, by calling great offenders to an account, at a crisis more important and more dangerous to this nation, than any our history furnishes us with an account of.

The power of this House is, it is true, vastly extensive: I hope, it will always be superior to the power of any offender whatsoever; but great as it is, we cannot exert it against offenders in high stations, without taking up a great deal of our time, and raising a mighty bustle in the nation, the consequence of which, with regard to our domestic quiet, no man can pretend to foresee or determine. Therefore, however much we may have suffered by the wicked advice or illegal practices of great offenders, we should take a proper time to inquire into and punish their misdoings; for we ought not certainly to expose ourselves to the danger of any domestic disturbance, when we are in the greatest and most imminent foreign danger, which every gentleman must allow to be our case at present.

Mr. *Phillips*:

Sir; I am surprised to hear the motion made by the noble lord opposed by any gentleman in this House; a motion founded in justice, supported by precedent, and warranted by necessity. Not only justice to the nation, but justice to those that have been in the administration, calls for an inquiry, that every man's actions may speak for him, and that censure may be confined to those only that have deserved it. Surely no innocent man can be under any apprehensions from the strictest examination of his conduct: those fears attend the guilty only.

The hon. gentleman seems to think an inquiry unnecessary. I beg leave to ask, will any gentleman in this House undertake to defend the measures that have been pursued for twenty years past? Will any gentleman say, that the wretched condition we are in, is the effect of chance only? Shall there be the least suspicion of mismanagement, and a British House of Commons not inquire into it? How much more at a time when the nation is reduced to the last extremity, by corrupt, weak, and pusillanimous measures? Shall the fatality that has attended every step of our conduct for so many years past, infect this House also, and throw us into a lethargy? Surely, no. The voice of the nation calls for an inquiry: our credit abroad cannot be supported without it; and the reputation of every man in this House is nearly concerned in it. In vain shall we attempt to retrieve our lost honour by pursuing new measures, if we do not first censure and punish the authors of the old: in vain shall we attempt to gain allies, and to convince them that we are

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in earnest in the prosecution of the war against our enemies abroad, unless we first call those to an account, that have been their secret abettors and encouragers at home.

If ever there was a cause for an inquiry into past transactions, it is now. Have not large sums of money been raised in times of peace, and no debts paid; large armies raised in times of war, and no services performed? Have we not negociated ourselves out of all our allies, and all our credit? Treaty after Treaty, Convention after Convention, and what did these all end in but war? How has that war been conducted? Why, shamefully, scandalously, to the encouragement of the enemy and the dishonour of the nation: large fleets fitted out to fight the seas only, and return shattered and torn, to Spithead, while the enemy were every day seizing our ships for want of cruizers and convoys, and neighbouring nations taking this advantage to supplant us in trade. A gallant admiral was indeed sent to the West-Indies, but sent too late, and not supported when there: another was sent to the Mediterranean, but with what intent I know not, unless it was to cover an embarkation of Spanish troops for Italy.

Shall a British House of Commons not inquire into the causes of these things? They must: they will, Sir, or forfeit all the reputation they have hitherto gained. And if these are to be inquired into, what better method than by a Select Committee to be chosen by ballot? It is a parliamentary method that has been attended with good consequences to the nation, but fatal ones, indeed, to those that have made an abuse of power; and it is unaccountable to me, that any others but such *or those* that have a mind to screen them, should make an opposition to it. For my own part, if it was the case of my brother, if he was innocent, I should think this the *properest* method to make that innocence appear; and if he was guilty, I should *think it* the greatest crime in me, to endeavour to screen him from national justice; therefore, I am most heartily for the question.

Mr. *Henry Fox:*

Sir; when I consider the present circumstances of this nation and of Europe: when I reflect, that we are now engaged in open war with one of the most potent kingdoms in Europe, upon the event of which both our trade and navigation depend: when I reflect that Europe is now engaged in a war, upon the event of which its liberty depends, and by which it will probably be enslaved, unless we interpose with the utmost of our strength, I cannot but be of opinion, I think every man must, that union amongst ourselves was never more necessary than it is at this important crisis: and therefore, I am not a little surprised to hear a proposition seriously made, and vigorously supported in this House, which must necessarily not only revive all our former divisions, but create new ones amongst us, and excite more violent animosities than any that have appeared in this kingdom for many years.

That this, Sir, would be the effect of a general inquiry into the conduct of our public affairs for so many years past, we must suppose from the experience of all former inquiries; and as the inquiry now proposed is more general, and comprehends a longer time, than any such inquiry ever did, this effect will not only be the more certain but the more fatal. Nay that this will be the effect must appear from the very nature of the charge, upon which the motion is founded; for the charge consists chiefly, not in facts or practices that must be admitted to be crimes, but in allegations that the measures we have been pursuing were wrong, notwithstanding their having been all authorised or approved of by parliament. Must not this of course revive all our former disputes about the fitness or unfitness of those measures? And when the condemnation or acquittal of men in high stations depends upon the fate of the question, must not those disputes be carried on with greater animosity, I may say with greater fury than ever they were before?

One part of the charge, indeed, I shall admit to be criminal. To apply the public money towards corrupting the members of this House, or the voters at any election, must by all men be allowed to be a crime; but it is pleasant to observe, how the advocates for this motion attempt to prove this part of their charge. With regard to the measures that have been approved of by parliament, they first suppose that those measures were apparently wrong; and their inference from thence is, that therefore the members must have been under a corrupt influence, otherwise such measures could not have met with an approbation in parliament. Then with regard to elections, they first suppose that the majority of the electors were dissatisfied with

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the measures of the administration, and would consequently have sent up dissatisfied representatives, if they had been left to a free and uncorrupted choice; but as they did not do so, therefore the electors were certainly under a corrupt influence. This is all the proof they have hitherto offered, and will any gentleman say, this sort of proof ought to be considered by this House as a sufficient ground for an inquiry?

Questions in politics, Sir, are of such a nature that they seldom or never admit of a demonstration; and, consequently, in countries where the people are allowed to speak their minds, they will always be of different sentiments with regard to these sort of questions. For this reason, gentlemen should not be so uncharitable as to suppose, that every man who differs from them in opinion is corrupt, or that he forms his judgment from any thing but the conviction of his conscience; and therefore, a parliament's having approved of any measure I thought wrong, shall never by me be thought a proof of its being under any sort of corrupt influence: consequently what they have offered, cannot be admitted as a proof even by those who are convinced that the measures pursued by the administration were apparently wrong, and much less by those who are convinced that those measures were right.

Now, Sir, with regard to elections: they say, our elections must have been under a corrupt influence, because the representatives were not of the same complexion with the majority of their constituents. Here likewise the proof they offer is a downright begging the question. That there have been, are now, and always will be some men without doors, as well as within, who disapprove of the measures pursued by our government, I do not in the least question; but that a majority of the better sort of people are so, or have lately been so, I cannot admit. Great endeavours, great artifice, and great industry, have, I know, been lately used to impose upon and make them so; and those endeavours may upon several occasions have had some effect upon the giddy mob; but our elections, thank God! do not depend upon such people. They are generally governed by men of fortune and understanding; and of such, our ministers, for this twenty years past, have been so happy as to have a majority in their favour. Therefore, when we talk of people with regard to elections, we ought to think only of those of the better sort, without comprehending the mob or mere dregs of the people; for an election may be free and uncorrupted though these appear against it, but would be very far from being free, if the electors were intimidated and compelled to vote as directed by a tumultuous mob of low people; and by them only it was, that any member of this House was burnt in effigy on account of the late Excise Scheme; consequently, though that member was re-chosen at the same place for a new parliament, we are not to conclude, that his election proceeded from bribery or corruption, because, perhaps, no one of those who assisted at burning him in effigy had any vote, interest, or concern in his election.

Having thus shewn, Sir, that the charge upon which this motion is founded, consists of allegations of facts which are not admitted to be criminal, or of criminal facts unsupported by any proof, I must next observe, that, I believe, you cannot find upon your journals a precedent for entering into a parliamentary inquiry, unless where measures had been pursued that were admitted by a great majority of the House, as well as the nation, to be criminal, or unless some criminal practices were alleged that were notoriously known to have been committed, or such as the member who moved for the enquiry undertook to prove. The general enquiry that was set on foot in the year 1715, was founded upon measures that were apparently criminal, and such as were thought to be so by a great majority of that House of Commons. A most glorious war had been put an end to by a most infamous peace: our allies had been deserted, if not betrayed: a most destructive treaty of commerce had been concluded with France; and when we might have prescribed terms to our enemies, our ministers, from some selfish, if not criminal views of their own, submitted to receive terms from them. These were such measures as almost every man condemned, except those that were concerned in advising them, or carrying them on; and therefore they furnished the parliament with a just foundation for an enquiry; but of late years, I am sure, no such measures have been pursued, nor any measures that can, or, I believe, will be condemned by a great majority of this House of Commons. Therefore, we can now have no pretence for setting up an enquiry, unless some particular criminal facts should be alleged and offered to be



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proved; and even in this case, we could have no pretence for a general enquiry: we could enquire only into the particular facts complained of, which would take up much less of our time, and give less disturbance to the nation, than a general enquiry into the conduct of our public affairs for twenty years past.

Such a general enquiry, with such a long retrospect, is without precedent, and would be a most dangerous precedent. If such an enquiry should be agreed to, and a committee appointed for that purpose, it would be of course insisted on, that all papers of state, even those of the most secret nature, should be laid before them; and, indeed, they could not make their enquiry complete without having all such papers. Our committees appointed upon such occasions are, I know, called secret committees; but how justly, experience may show; for few important secrets have long remained so, after being once laid before such a committee; and the nature of the thing speaks itself, for when a secret is committed to a great number of persons, every one of them becomes the less careful of concealing it, because when it is discovered, it is not easy to fix the discovery upon any one of them. Therefore if such a precedent were once made, we could never hope to keep any secret, nor would any foreign state, or any foreigner of consequence, ever enter into any secret transaction with our government; because he could not know, but that the secret might, twenty years afterwards, be discovered by a parliamentary enquiry with a twenty years retrospect.

But besides being a dangerous precedent, Sir, the setting up such an enquiry at this juncture might, nay, probably would, be attended with the most fatal consequences, both with respect to our war against Spain, and with respect to our negociations for preserving a balance of power in Europe. As we have for some time been carrying on a war against Spain, it is not to be doubted but our ministers have had some secret intelligence from thence: our very news-papers tell us that the court of Spain have discovered a plot for delivering the Groyne into their hands; and though that plot has been discovered, yet we may from thence presume, that our ministers have still a secret correspondence in Spain: would it not be of the most fatal consequence to have that intelligence, or that correspondence discovered? And can any one answer for its being kept concealed, after being exposed to a secret committee of this House, and all the secretaries and clerks that must necessarily be employed by them. We must likewise suppose, that several schemes have been laid before our ministers for attacking the Spaniards, both in Europe and America, and some of those schemes may probably be such as ought to be carried into execution; would it be prudent in us, to run the risk of having all or any of those schemes discovered to the enemy? And yet this risk we must run, if the present motion should be agreed to.

Then, Sir, with regard to our negociations: as the flames of war have been above a twelvemonth since kindled in Germany: as there is a most powerful confederacy formed against the House of Austria, we must suppose, that our court have been carrying on negociations for drawing some of the powers off from that confederacy, and for forming a counter-confederacy in favour of the queen of Hungary. In all such cases, as every court in Europe has its own particular views and interests, the negociations must be of a most secret nature: arguments must be made use of, and memorials delivered at one court, which it would be most fatal to have discovered to another; and as all those transactions are yet in embryo, can we desire, that his majesty should lay the whole before a committee of this House? Can we suppose it to be consistent with his honour to do so, when we must suppose, that he has, at least with some of those courts, engaged to keep the transaction so secret as not to communicate it to any but to some of his chief ministers of state?

Upon the whole, Sir, I can see no occasion we have for the enquiry proposed; and if I did, I think it impossible, in our present circumstances, to carry it on with effect. This is my sincere opinion; and as I can see no danger or inconvenience in delaying it for a year or two, in which time our own tranquillity, as well as the tranquillity of Europe, may, perhaps, be re-established, and all those grand affairs which are now in agitation finally ended, I must therefore be against the motion, and I hope the noble lord, when he considers those things, will agree to have it withdrawn.

Mr. *Velters Cornewall:*

Sir; I do not get up, as presuming to think any thing that I shall offer can inforce a question of this importance. But



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as this question tends to an enquiry into those measures, which, in the universal opinion of mankind, have been thought so destructive to this nation, an opinion which, though in my private sentiments I have ever joined in, yet, as I have never had an opportunity of giving my public testimony against them, I cannot now refrain from expressing my satisfaction at seeing the time come, when they will be thoroughly sifted; and it is with joy I look on myself as now going to give a pledge to the public, that I shall ever look upon bad measures with equal detestation.

The people of England, reduced almost to a state of despondency from the ruinous conduct hitherto pursued for many years past, have placed their only and last hopes in the independence, justice, and firmness of this parliament: it is from this confidence that every honest man in the kingdom now cheerfully submits to the burden we are necessitated to impose on them; as they expect to see freedom and happiness secured to them at home, and national honour retrieved abroad. But as these hopes can only be answered by an alteration of those measures that have occasioned their distress and complaints, how baffled will they think themselves in their expectations, should the motion that has been made to you, be rejected in this House? How ill an earnest would it be, that we intended an alteration of measures, should we decline an enquiry into those that have been so cried out against? Could they possibly suppose it to be from any other motive than an apprehension, lest we might lay a foundation for condemning our own future conduct, by countenancing an enquiry into that of others, which is passed?

But, Sir, whether the universal complaint of past measures be the effect of artifice and misrepresentation (as might be pretended) on a weak and deluded people, or springs from the real grievances of an injured and right-discerning one, I say, whichsoever be the case, surely it is a deference, an indulgence at least, which in decency, in duty, it becomes this House to shew the collective body of the people of Great Britain, by giving them that satisfaction which a thorough disquisition into the subjects of complaint, only can, and only ought to give them.

And therefore, for God's sake! let every gentleman reflect on the consequences that will attend your determination in the affair before you. Is the screening a few public delinquents from enquiry, to be put in balance with the giving repose to the disturbed minds of the whole people of three kingdoms?

Enquiry is the criterion of public virtue: it may, like Ithuriel's spear, detect a devil, however disguised in the shape of an angel, but can never obscure the brightness of truth. If measures have been right, they will stand justified by it, and the people of England will rest satisfied: if they have been iniquitous, the people expect justice on whomsoever the guilt falls, and wheresoever it may extend itself. It is not a narrow personal enquiry that is aimed at, meanly confined to this or that offender, but an enquiry into offences, wheresoever they shall be found, that becomes the dignity of this House.

I shall not take up your time so unnecessarily, as to enter into a particular disquisition of those measures that call for this enquiry, which have been so often and so well exposed, and which speak more strongly their own guilt, than the most powerful eloquence can point out. Unexperienced as I am in matters of a public nature, I should think it no difficult task, to run through a deduction of our public mismanagement, both at home and abroad, too gross not to be the objects of common discernment, and some instances perhaps that have not come within the notice of the general complaint. But I should think such a minute discussion not only unnecessary but improper, as this motion is most justly founded on the general face of things, and not to be diverted by giving room for a debate on particulars, the proper subject of future consideration. And, Sir, was it only from what you heard the other day at your bar, and the Resolutions this House came into in consequence of it, the expediency of the present motion would be sufficiently inforced.

We have groaned under an administration that have not only taken every step to destroy our own liberties at home, but have made us accessary in subverting, at least endangering all the liberties of Europe; who have made the British name the contempt of its enemies, and lost the confidence of those, whom parity of interest should make us consider as our friends: an administration whose influence has diffused neglect, abuse, and corruption into every the most minute branch of our domestic œconomy; for there is hardly an office in the kingdom, from the

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lowest to the highest, that does not call aloud for parliamentary enquiry: an administration that, when it durst no longer withstand the united voice of a justly enraged people, closed itself, in some part, with the highest, the most provoking strains of insolence, that ever were dared to be offered to any nation under the sun in our circumstances, by making the most distinguished instruments of the most detested measures triumph, by their exaltation, over the injuries and resentment of the whole British nation.

But, Sir, it is the future good consequences that will attend this inquiry, and the examples arising from it, that prevail with me over all other considerations: I have no doubt of seeing a reformation of measures for some time: who, that looks round this assembly, can doubt it, as long as it subsists thus constituted? A wise and honest parliament will always make those in the direction of affairs so too. But all these things have their periods, whereas examples are of perpetual security.

We are now, Sir, in a situation, both as to our foreign and domestic affairs, which points out union as the only means that can make us a glorious and happy people, and found the throne of this royal family, which every man of common sense and honesty must wish for, on that never to be shaken basis, the undivided hearts of the people. And, thanks be to God! the pleasing prospect already opens itself, by the subsiding of those unfortunate distinctions that have been artfully fomented, in a general zeal for promoting the true interest of our king, and the good of our country; a prospect that must give inexpressible joy to all lovers of both, and mortification to none but those, who are wicked enough to prostitute the name of this family to serve the infamous views of their own selfish policy. National union can only be brought about by giving national satisfaction; and I look upon the step we are now taking as perfectly contributory to that end. True union can only subsist amongst honest men: all other union is amusive, and destructive of itself.

The union I am speaking of is indissoluble, and should the dregs of faction, whom the falsely assumed denomination of a party only made considerable, attempt to interrupt it, they would only discover their own insignificancy, and add to the contempt and detestation the public had of them.

As for the method proposed by this motion, it is the only one by which a public inquiry can be carried on properly, or with success. The impropriety of laying all papers before the House, has been often allowed on all hands, and every man knows how easy it is to obstruct or perplex an inquiry so extended as this is, if carried on before so numerous an assembly. But this is so obvious to any man who means getting at truth, that I need only say, that I consider all arguments against this method, as objections raised only because it is practicable. For my own part, as I consider this question, as tending to restore satisfaction to the nation, credit and popularity to the government at home, and weight and dignity to it abroad; and as it tends to the honour of this House, I am heartily for it.

Lord *Perceval:*

Sir; I should act a very inconsistent part, if I did not support the motion now under your consideration, with the same zeal with which I concurred in that made some few days after I had the honour of taking my seat in this House. Nothing, Sir, has happened, nothing, Sir, can happen to alter my opinion in this respect, that the public have a right, that it is a duty incumbent upon us to inquire strictly into the conduct of the late administration.

It was then my opinion, that we had grounds sufficient to induce us to that enquiry: the general voice of the nation, the almost desperate condition of our affairs both abroad and at home, then rendered the enquiry highly necessary: the presumption was strong, that the interest of the nation had been betrayed; and I thought I should have abused the confidence reposed in me by my country, if I had not endeavoured to discover in what manner, in what instances, and by whom it was betrayed.

But these reasons for enquiry are infinitely stronger now than then; we had reason to enquire then from the suspicions of the public, and from our own suspicions. These reasons still subsist; and to these are added the suspicions of the king himself: to these are added the visible opinion of our allies abroad.

The king has at length dismissed his minister, and he has dismissed him without any application from this House to that purpose. He has done it of his own motion. His majesty has dismissed a minister who had served him many years, and, as we are well convinced,

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against the inclination of that minister. Had his majesty believed, that he had served him faithfully, who can imagine, that he would have turned him out of his service? We must therefore conclude, that his majesty's opinion has concurred with the opinion of the nation, with the opinion of those in this House, who expressed suspicions of his conduct.

Our allies abroad have visibly proved by their late measures, that they entertained the same suspicions. A general indolence seemed to have seized on all the powers joined in common interest with us: their resolutions were as languid, their conduct equally tame and despicable, in the general danger of Europe, as the councils of this nation. We were told, that this infatuation abroad was the cause of our weak and pusillanimous measures at home. But it is now discovered, that our conduct was not influenced by their measures, but that their measures were influenced by our conduct. The moment that this minister was divested of his power, the charm was at once dispelled: the Dutch, notwithstanding all the dilatory forms of that government, proceeded to a vast augmentation of their forces. The king of Sardinia has determined to take part in the common cause; and it is apparent, that from the removal of this minister, the spirit of the grand alliance has happily revived, as much as it was once fatally depressed by the removal of the great duke of Marlborough.

This happy event demands our attention; it has opened a prospect of preservation to the balance of power, of which we had lost all view before. If we do not seize this happy moment, how can we answer for it to ourselves, to our country, to posterity? But unless we engage with vigour in this enquiry, how can we hope to avail ourselves of this event? Does any man imagine, that it is a change of men that has given this new life to the counsels of our allies? No, Sir, it is the confidence that a change of measures will be the consequence of a change of men: and such a confidence must perish in its very birth, if an enquiry into the errors of the past administration should be stifled in this House.

Sir, to extrigate this nation, or to extricate Europe out of that labyrinth of dangers in which we are all involved, it is necessary that the present administration should be supported by the spirit and inclinations of the people. The confidence which is necessary to give them weight abroad, is equally necessary to enable them to raise the vast supplies at home, which the critical condition of our interest demands. This confidence in them can never be attained, but by a vigorous prosecution of this enquiry. The public have some distrust, that the new administration are slack and tender in this respect: in my own breast I have none: I am happy in this change, which has fallen in favour of those for whom I have entertained the highest esteem, and for some of whom I have a singular and sincere friendship. But, Sir, we must pay some regard to the opinions of the public, as well as to our own, and they will never be convinced, that the new ministers mean well, if this enquiry should be defeated here: they will interpret the coldness of this House to a disposition in the administration to protect and screen, which must in the end produce the worst effects, both to the public and to them. And therefore as a friend to my country, and as a real friend to them, I shall follow this enquiry as far as I am able to pursue it.

Sir, I shall trouble the House very little farther at this time, but I must observe with great submission, that I think all arguments that are used to prevent, or to delay the present enquiry, are very indecent and disrespectful to this House; for they bear this inevitable construction, that this House is actuated more by passion and prejudice, than by impartiality and justice. No man can have the confidence to assert, no man can mean, that if the late minister deserves the censure of parliament, he should not receive it: they can therefore mean nothing, but that they think him innocent, and think, that if we enter into this enquiry, this House is determined to pronounce him guilty, whether he be so or no.

In private life, what man of common sense would dismiss a steward after a service of twenty years (during which his accounts had never been inspected) without a careful examination, before he gave him a discharge? the public stand in the same light with regard to this minister, and the public will want common sense in this instance, as a private man would do in the other, if they suffer this minister to retire unquestioned, laden with honours and an immense wealth, far exceeding what the just and known profits of his past employments would have furnished.



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Mr. *Henry Pelham*:

Sir; it would very much shorten our debates, upon this and every other occasion, if gentlemen would consider attentively the subject of the debate, and keep close to the argument, without running out into harangues or flowers of eloquence, which may be made use of upon any other subject, as well as that which happens then to be under the consideration of the House. That we have a right to enquire into the conduct of our public affairs, and that upon certain occasions we ought to enquire, are questions that have nothing to do in this debate, because they are such as no gentleman will deny. The only questions now under our consideration must therefore be, whether we have now any occasion for making such enquiry, and if we have, whether we ought now, or in this session of parliament, to enter upon that enquiry. With regard to the first of these two questions, I hope it will not be said, that we ought every session of parliament, or once in every certain number or term of years, to appoint a secret and select committee for enquiring into the conduct of our public affairs from the time of the last parliamentary enquiry. This we can no way pretend to, either from custom or reason; for it is certain, that the custom has always been, not to set up a parliamentary enquiry, unless when great crimes were known, or strongly suspected to have been committed; or unless when such measures were pursued as were allowed to have been weak or wicked. This, I say, has always hitherto been the custom, and reason must convince us that it is just; and that it would be wrong in us to set up a parliamentary enquiry, when there is no well-grounded suspicion of misconduct; for as such enquiries must always be dangerous and troublesome, they ought never to be entered into without an apparent necessity.

Taking it therefore for granted, Sir, that no parliamentary enquiry ought to be set up, unless when there appears to be a well-grounded suspicion of misconduct, I shall observe that this suspicion ought to be such a one as prevails in this House; and if this observation be just, it must be wrong to talk, upon any such occasion, of the voice of the people, or the voice of the nation. Sir, the voice of this House is the voice of the people, the voice of the British nation. It must always be understood to be so; for there is no other way of determining what is the voice of the nation. If we were to form a judgment of this from what we heard without doors, every man's judgment would be according to the sort of company he usually conversed with. In a free country the measures of the government in general, and even every particular measure, will be canvassed by the people without doors, and will be condemned by some and applauded by others. A gentleman who keeps company with the former will from thence judge, that the voice of the people is against the government; and one who keeps company with the latter will, for the same reason, judge, that the voice of the people is in favour of the government; consequently one of those gentlemen would be for an enquiry, and the other against it, for one and the same reason; therefore, when such a question happens to be started in this House, no gentleman ought to consider what is the voice of the people without doors, nor ought he to allow what he has heard without doors, in the least, to enter his thoughts: if he does, he can hardly avoid being prejudiced by the company he has kept, and such a man can never be a good judge in such a question.

What then, Sir, are we to do? How are we to judge upon such occasions? The answer is easy; every gentleman ought to consider by himself the measures pursued by the government. If a general inquiry be moved for, he ought to consider, or, perhaps, reconsider by himself, all the measures that have been pursued by the government during the time proposed to be inquired into: if upon such an examination he finds reason to conclude, that they have been generally wrong, he ought then to agree to the inquiry proposed: but if he finds reason to conclude, that they were generally right, he ought to be against it: nay, even when he finds reason to condemn any one or two particular measures, he ought to be against a general inquiry; because after that question is rejected, he may himself propose a particular inquiry into the affair he finds reason to condemn or at least suspect, and that question may be agreed to by the House, notwithstanding our having rejected the former. But in such cases I must observe, that according to the usual custom of parliament, we ought first by a proper question to condemn the measure, before we put any question for enquiring into the authors, or the conduct of the authors of any particular measure.

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Now, Sir, as the present question is for a general enquiry, and for a longer time, I believe, than ever any former enquiry was proposed to extend to, it will appear from what I have said, that every particular gentleman must enter into the examination of all the measures pursued by our government during that long period; and therefore, I hope, it will not be thought impertinent in me to enter into that examination, or to endeavour to justify our public measures, especially such of them as have been particularly objected to in this debate; and here I must previously observe, that in all such cases we ought not to form our judgment from the light in which any past measures now appear to us, but from the light in which it did probably appear, when it was at first resolved on; for considering the narrow limits of human wisdom or knowledge, and the shortness of human foresight, future incidents may often make a public measure appear to be wrong, though according to all human appearance, it appeared at first to be right.

After having made this previous observation, I must say, Sir, I am surprised to hear any fault now found with the measures that were taken for punishing the guilty, and restoring public credit, after the violent shock it received from the wicked execution of the fatal South-Sea Scheme in the year 1720; because future incidents have been so far from condemning any of those measures, that the immediate revival of public credit, and the flourishing state it has been in ever since, has fully demonstrated, that those measures were wise as well as just. As to the guilty, they were all punished. They were not, perhaps, punished so severely as the sufferers expected and desired; for it is natural for men that have been injured, in the first violence of their resentment, to desire a punishment more severe than common justice can admit of; but they were all punished so severely, that when the first violence of public resentment was over, the punishment began to be thought too severe, and was therefore by way of ridicule, called 'Justice by the lump.'

The next measure of a domestic nature that seems to be objected to, is the money granted from time to time to the Civil List, and the additions that have been made to that revenue. If there was any crime in this, Sir, I must really think it lies more properly at our own door, than at the door of any minister, or of the administration in general; and therefore, before we agree to this question, we ought, I think, to amend it, by resolving, That a committee be appointed to enquire into the conduct of our affairs at home and abroad, and into the conduct of the House of Commons, during the last twenty years. But as none of those grants were made, without having proper estimates and accounts laid before the House, and as from those estimates and accounts the necessity of those grants were made appear, we can have no reason to find fault either with our ministers for asking, or with the House of Commons for granting any of the sums of money, or additions that were made to the civil list. And, indeed, if we consider, that there are many accidental charges which fall upon the civil list revenue, and many articles which rise higher than that at which they were first estimated, we cannot be surprised, that in the late king's time it became necessary, from time to time, to grant a sum for paying off the debts of the civil list, or that his present majesty's ministers should desire to have an addition made to it at his accession to the throne.

The Excise-Scheme is another affair of a domestic nature, that seems to have been particularly objected to in this debate. I know, Sir, that great art and industry was made use of to make people believe, that this scheme was intended as an introduction to a general excise, and that it was a preliminary to a formed design for destroying our constitution, and making slaves of us all. But as I had at that time, and have had ever since, a friendship and intimacy with those who approved of that scheme, and introduced it into this House, I know the falshood of those insinuations. However I shall not desire gentlemen to take my word for it. I shall only desire gentlemen to have a little charity, and to judge of other men's actions and intentions, as they would desire others to judge of their own. If they do this, they will not ascribe any action to a wicked motive, when an upright one can, with more probability, be assigned; and this is evidently the case with regard to the Excise-Scheme. I hope it will be granted, that to prevent frauds in the collection of the public taxes, and thereby increase the public revenue, is as upright, and even as laudable a design as any man can entertain; and, I believe, it will likewise be granted, that the Excise-Scheme,

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had it been passed into a law, would have had this effect; at least it might be granted, that it was very reasonable to presume it would have had this effect, from the experience we had before had of the effect of raising the duty upon coffee, tea, and chocolate, by way of excise upon the consumption, instead of raising them by the method of customs upon the importation, and allowing those customs to be drawn back upon the exportation. This then was one motive for approving of, and introducing the Excise-Scheme, which must be allowed to have been an upright one: but on the other hand it is said, that this scheme would have overturned our constitution, and established arbitrary power, by giving ministers an uncontroulable influence at all elections. That it would have had such an effect I still very much question; and as our ministers had no experience of this in any parallel case, they could not therefore be so certain of this effect as of the other: consequently it is more probable, that their approving of, and introducing that scheme proceeded from a good intention, than that it proceeded from a wicked one; and I am sure it is much more charitable, and more like a Christian, to suppose it proceeded from the former, than to suppose it proceeded from the latter. But let their design be what it will, their throwing it up so easily as they did, was some sort of atonement, and induced most people to pardon the attempt, which was the true cause of the next general election's going so much in their favour; and it ought, I think, to be a reason for its being never again mentioned in this House, especially as the nation no ways suffered by the attempt.

These, I think, Sir, are all the measures of a domestic nature for 20 years past, that have been objected to in this debate, and if objections could have been raised against any other, I believe, they would have been mentioned. Then with regard to affairs of a foreign nature, the treaty of Hanover is, I find, by those gentlemen always made the burden of their song, and the original ground of all their complaints; and in order to make this treaty liable to any objection, they who cannot know, expressly contradict what his late majesty, who could, and certainly did know, affirmed, in his Speech * the next session of parliament, declaring expressly, that the negociations and engagements, entered into by some foreign powers, which seemed to have laid the foundation of new troubles and disturbances in Europe, and to threaten his subjects with the loss of the most advantageous branches of their trade, obliged him, without any loss of time, to conclude that treaty. It was then well known, what those engagements were: they, in part, appeared even from the public treaty: the Spaniards were resolved to wrest Gibraltar and Minorca from us: the emperor was resolved to support his Ostend company in spite of us. For these purposes they were to assist each other; and the king of Spain, as a farther recompence, granted the emperor's subjects such liberties and privileges in both the Indies, as were inconsistent with our commerce, and with the treaties subsisting between Spain and us. These were their engagements, and if we did not submit, the emperor was to attack his majesty's foreign dominions, whilst Spain was to make a diversion by invading these kingdoms in favour of the Pretender. The court of Vienna went even so far as to threaten his late majesty with both these attacks, before he entered into that negociation, which concluded with the treaty of Hanover.

These are facts, Sir, which are founded upon the testimony of our late sovereign; I am sure, a much stronger testimony than the averment to the contrary of any private gentleman: and these facts will for ever justify the treaty of Hanover, and all the measures we took consequent to that treaty, especially when we consider, that by those measures we not only prevented the dangers wherewith we were threatened, but obliged the emperor to give up his Ostend company, and Spain to confirm our right to Gibraltar and Minorca, and to recede from her engagements in favour of the emperor's subjects with respect to trade; both which she did by the treaty of Seville; and therefore I am surprized to hear that treaty found fault with. We did not, it is true, by that treaty, obtain immediate satisfaction or reparation for all the damage she had done our trade, because it was impossible to compute and ascertain that damage; but we obtained a promise for immediate reparation as to some part, and as to what remained, it was to be settled and adjusted by commissaries mutually to be appointed, who were to finish their commission within the space of three years. If Spain afterwards refused to perform her engagements, or ra-

* See Vol. 8, p. 492.

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ther delayed the performance under frivolous pretences, for she never expressly refused, it was what our ministers could not foresee nor provide against; for without trusting to some promises to be performed *in futuro*, it is impossible to negociate or conclude any treaty whatsoever.

But, Sir, with regard to Spain's performance of these promises, and with regard to the depredations afterwards committed by the Spanish guarda costas, our ministers cannot justly be accused of any neglect; as may appear from the many memorials, letters and papers relating to those affairs, which have, from time to time, been laid upon our table: they never ceased making application; the Spanish ministers never ceased promising. If our ministers were shy of beginning hostilities, as long as they had any hopes of obtaining reparation by fair means, are they to blame? Are the ministers of a trading nation ever to blame in such a case? Sir, their shyness in this respect, especially with regard to Spain, ought to be the ground of applause rather than enquiry: and in future ages, when time has put an end to envy, which, thank God! is not so long-lived as truth, it will appear to be so.

I now come, Sir, to consider our behaviour when the war broke out between France and the emperor in the year 1733: in that war we had certainly no concern or interest, any farther than as it might affect the balance of power in Europe; and with regard to the guaranty of the pragmatic sanction, we were set free from that engagement, by the emperor's having brought the war upon himself: we had therefore no concern, nor any obligation to enter, either as principals or auxiliaries, into that war; but as, by its event, it might affect the balance of power, we were therefore in prudence obliged to augment our forces, both by sea and land, in order to be ready to put a stop to the arms of the victorious side, in case their ambition should lead them to push their conquests farther than was consistent with the balance of power in Europe. If we had delayed our preparations till this event had actually happened, we should then have been too late: the vanquished would have been obliged to submit, before we could have come to their relief. Therefore, I still think, it was the most prudent part we could act, to stand neuter at the beginning of that war, but to prepare for the worst; and our allies the Dutch, whose wisdom some gentlemen take all occasions to extol, held the very same conduct: nay, they went farther; they actually agreed to a treaty of neutrality, and yet notwithstanding that agreement, they augmented their forces, in order to be ready at all events. By this conduct we put ourselves but to a very small expence, and yet that expence had as good an effect, as if we had put ourselves to a much greater and brought ourselves into much greater danger, by engaging as parties in the war. The parliament was therefore in the right to approve of those measures; their having done so can be no argument of their having been chosen or governed by a corrupt influence; nor can those measures, or the approbation they then met with, now afford any reasonable ground for a parliamentary enquiry.

The only remaining measure that has been objected to in this debate, and therefore the last I shall take notice of, is the Convention with Spain, which was founded upon a maxim I must still approve of, because it is such a one, as I hope, will always be held sacred by those who have the administration of our public affairs, I mean that of never engaging us in a war, especially with Spain, as long as there is the least reason to hope for obtaining redress by peaceable means. By that treaty the king of Spain acknowledged the injuries that had been done us, and promised to make satisfaction, by paying a certain sum here at London in the space of four months; this was such a proof of that court's being in earnest, and firmly resolved to do us justice, that our ministers, upon the maxim I have mentioned, could not but agree to it; and as we were neither to promise nor give up any thing by that treaty, they had the more reason to accept what the court of Spain offered. If the court of Spain delayed performing that engagement, as they had done their former, our agreeing to this treaty could occasion no delay in beginning hostilities, but what would have been otherways occasioned by the season of the year; and their failing in the performance of such a solemn and explicit stipulation, would of course render them blameable in the eyes of all Europe; which, considering the intricacy of the other disputes between the two nations, was a point our ministers were in the right to aim at, and has, perhaps, been the principal cause of Spain's remaining hitherto unassisted by any power in Europe. This measure, therefore, or the approbation it met with in parliament, can as little afford a just cause for an enquiry, as any other

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that has been mentioned in this debate; and thence, I hope, it will appear, that we have at present no solid ground for an enquiry, from the supposed weakness or wickedness of any of our late measures.

If a minister, or an administration, are to be compared to the steward of an estate, we shall from thence find as little reason for an enquiry; nay, upon this principle, it would be unjust in us to call them now to a general account. If the steward of an estate passes his accounts regularly, and delivers up his vouchers every year, and accordingly receives an annual discharge or release, it would be most unjust in his lord to expect or desire, that after twenty years service he should be brought to a general account, as if no such annual account had ever been delivered or approved of. This is exactly the case of our administration; they have regularly every year delivered in their accounts; those accounts have been annually passed in parliament, and every article approved of; would it not then be unjust in us now after twenty years to tell them, we will now overhale all your accounts? The accounts you have delivered in, the approbation you have met with, the releases you have received, shall pass for nothing: you shall now deliver in a general account from your first entry into our service: we will examine it strictly, and will admit of no article but what you can fully prove to have been usefully laid out or expended for our service. Such a proceeding would be so unjust, that I cannot think it needs any farther explanation.

But now, Sir, with regard to the other question, Whether it be now a proper time for us to enter into an enquiry? Suppose we had just ground to suspect the uprightness or the wisdom of our late measures: suppose them to be thought weak or wicked by a great majority of this House, is this a proper time for us to employ ourselves about enquiring into and punishing past measures? when Europe is in such danger: when we ourselves are in such danger, are we to consider only how we came upon the brink, instead of considering how to get off? It was said of the House of Commons that impeached the earl of Portland and lord Somers in the year 1701, that they proceeded in a manner which seemed more to affect our peace at home, than to prepare for war abroad. I am sure, this might be more justly said of us, should we now resolve upon an enquiry into the late conduct of our public affairs. Let us now think how to get rid of the present danger, and of that alone. It deserves, it requires our attention. When we have secured our own liberties, and the liberties of Europe, against the ambitious projects of France: when we have secured the freedom of our navigation and commerce against the insults and injustice of Spain, we shall then have an opportunity, we shall then have leisure, to enquire into and punish all public offenders, and we may then do it with safety. Both these desirable ends we shall, I hope, attain, if we apply to this, and this only: we may, perhaps, be able to accomplish both before the beginning of next session of parliament; and surely no one will say, we can suffer in the mean time by the delay of justice. For this reason, Sir, if I thought we had just cause for an enquiry: if I condemned, in my own mind, the whole course of our conduct for the last twenty years, as much as I do really approve it, I should nevertheless be against our entering into an enquiry during this session of parliament; and therefore I must give my negative to the question.

Mr. *William Pitt*:

Sir; what the gentlemen of the other side mean by harangues or flowers of rhetoric, I shall not pretend to guess; but if they make use of nothing of that kind, it is no very good argument for their sincerity; for a man who speaks from his heart, and is sincerely affected with the subject he speaks on, as every honest man must be when he speaks in the cause of his country: such a man, I say, falls naturally into sentiments and expressions which may be called flowers of rhetoric, and therefore deserves as little to be taxed with affectation, as the most stupid serjeant at law that ever spoke at the Common Pleas bar for a half guinea fee. For my part, I have heard nothing said in favour of the question, but what I thought very proper and very much to the purpose. What has been said, indeed, upon the other side of the question, especially the long justification that has been made of our late measures, I cannot think so proper upon this occasion, because this motion is founded upon the present melancholy situation of affairs, and upon the general clamour without doors against the late conduct of our public affairs, and either of these, with me, shall always be a sufficient reason for agreeing to an immediate parliamentary enquiry; for without such an enquiry I cannot, even in my own mind enter into



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the disquisition, whether our public measures have been right or no, because I cannot otherwise be furnished with the necessary lights for that purpose.

But the hon. gentlemen who oppose this motion, seem to mistake, I shall not say wilfully, the difference between a motion for an impeachment, and a motion for an enquiry. If any member of this House were to stand up in his place, and move for impeaching a minister, he would be obliged to charge him with some particular crimes or misdemeanors, and to produce some proof, or to declare that he was ready to prove the facts: but any gentleman may move for an enquiry, without any particular allegation, and without offering any proof, or declaring that he is ready to prove, because the very design of an enquiry is to find out particular facts and particular proofs. The general circumstances of things, or general rumours without doors, are a sufficient foundation for such a motion, and for the House's agreeing to it when it is made. This, Sir, has always been the practice, and has been the foundation of almost all the enquiries that were ever set on foot in this House, especially those that have been carried on by secret and select committees. What other foundation was there for the secret committee appointed in the year 1694, (to go no farther back) to enquire into and inspect the books and accounts of the East India company and chamber of London*? Nothing but a general rumour that some corrupt practices had been made use of. What was the foundation of the enquiry in the year 1715†? Did the hon. gentleman who moved for appointing that secret committee, charge the former administration with any particular crimes? Did he offer any proofs, or declare that he was ready to prove any thing? It is said, the measures pursued by that administration were condemned by a great majority of that House of Commons. What, Sir, were those ministers condemned before they were heard? Could any gentleman be so unjust as to pass sentence, even in his own mind, upon a measure, before he had enquired into it? He might perhaps dislike the treaty of Utrecht; but upon enquiry, it might appear to be the best that could be obtained; and it has since been so far justified, that it is at least as good, if not better than any treaty we have made since that time.

Sir, it was not the treaty of Utrecht, nor any measure that administration had openly pursued, that was the foundation or the cause of an enquiry into their conduct. It was the loud complaints of a great party in the nation against them, and the general suspicion of their having carried on treasonable negociations in favour of the Pretender, and for defeating the Protestant succession; and the enquiry was set on foot, in order to detect those practices, if there were any such, and to find proper evidence for convicting the offenders. The same argument holds with regard to the enquiry into the management of the directors of the South Sea company in the year 1720. When that affair was first moved in the House by Mr. Neville*, he did not, he could not charge those directors, or any one of them, with any particular crimes; nor did he attempt to offer, or say that he was ready to offer any particular proofs: his motion, which was, That the directors of the South Sea company should forthwith lay before the House an Account of their proceedings, was founded upon the general circumstances of things, the distress brought upon the public credit of the nation, and the general and loud complaints without doors. This motion, indeed, reasonable as it was, we know, was opposed by our courtiers at that time, and in particular, by two doughty brothers, who have been courtiers ever since; but their opposition raised such a warmth in the House, that they were glad to give it up, and never afterwards durst directly oppose that enquiry. I wish I could now see the same zeal for public justice. I am sure the circumstances of affairs deserve it. Our public credit was then, indeed, brought into distress; but now, the nation itself, nay, not only this nation, but all our friends upon the continent, are brought into the most imminent danger.

This, Sir, is admitted even by those who oppose this motion, and if they have ever lately conversed with those that dare speak their minds, they must admit, that the murmurs of the people against the conduct of the administration are now as general, and as loud, as ever they were upon any occasion; but the misfortune

* See Vol. 5, p. 881.
† See Vol. 7, p. 53.

* For Mr. Neville's motion, and the proceedings in consequence thereof, See Vol. 7, p. 685.

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is, that gentlemen who are in office, seldom converse with any but such as are in office, or want to be in office, and such men, let them think what they will, will always applaud the conduct of their superiors; consequently, gentlemen who are in the administration, or in any office under it, can rarely know what is the voice of the people. The voice of this House was formerly, I shall grant, and always ought to be the voice of the people: if new parliaments were more frequent, and few placemen, and no pensioners admitted, it would be so still; but, if long parliaments be continued, and a corrupt influence should prevail, not only at elections, but in this House, the voice of this House will generally be very different from, nay often directly contrary to the voice of the people. However, as this is not, I believe, the case at present, I hope, that there is a majority of us who know what is the voice of the people; and if it be admitted by all, that the nation is at present in the utmost distress and danger, and admitted by a majority, that the voice of the people is loud against the late conduct of our administration, this motion must be agreed to, because I have shewn, that these two circumstances, without any particular charge, have been the foundation of almost all parliamentary inquiries.

I shall readily admit, Sir, that we should have very little to do with the character or reputation of a minister, if it no way affected his master; but as it does, and always must affect our sovereign, as the people may become disaffected as well as discontented, when they find the king continues obstinately to employ a minister who, they think, oppresses them at home, and betrays them abroad, we are therefore in duty to our sovereign obliged to enquire into the conduct of a minister, when it becomes generally suspected by the people; in order that we may vindicate his character, if he appears innocent, as to every thing laid to his charge, or that we may get him removed from the councils of our sovereign, and condignly punished, if he appears guilty.

After having said thus much, Sir, I have no great occasion to answer what has been said, that no parliamentary inquiry ought ever to be set up, unless we are convinced that something has been done amiss. Sir, the very name given to this House of Parliament shews the contrary. We are called the grand inquest of the nation, and as such it is our duty to enquire into every step of public management, either abroad or at home, in order to see that nothing has been done amiss. It is not necessary upon every occasion to establish a secret committee: this is never necessary, but when the affairs to be brought before them, or some of those affairs, are supposed to be of such a nature as ought to be kept secret; but as experience has shewn, that nothing but a superficial enquiry is ever made by a general committee, or a committee of the whole House, I wish, that all estimates and accounts, and many other affairs, were respectively referred to select committees. Their enquiries would be more exact, and the receiving of their reports would not take up so much of our time as is represented; but if it did, as it is our duty to make strict inquiries into every thing relatiug to the public, as we assemble here for that purpose, we ought to do our duty before we break up; and I am sure, his present majesty would never put an end to any session, till both Houses had fully performed their duty to their country.

It is said, by some gentlemen, that by this inquiry we shall be in danger of discovering the secrets of our government to our enemies. This argument, Sir, by proving too much proves nothing at all. If it were admitted, it would always have been, and for ever will be, an argument against our inquiring into any affair in which our government can be supposed to have a concern. Our inquiries would then be confined to the conduct of our little companies, or of inferior custom-house officers or excisemen; for if we should be so bold as to offer to inquire into the conduct of commissioners or great companies, it would be said, the government had a concern in their conduct, and the secrets of government must not be divulged. Every gentleman must see, that this would be the consequence of admitting such an argument; but besides, it is false in fact, and contrary to experience. We have had many parliamentary inquiries into the conduct of ministers of state, and yet I defy any one to shew, that any state affair was thereby discovered which ought to have been concealed, or that our public affairs, either abroad or at home, ever suffered by any such discovery. There are methods, Sir, for preventing papers of a very secret nature from coming into the hands of the servants attending, or even of all the members of our secret committee.

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If his majesty should by message acquaint us that some of the papers sealed up and laid before us required the utmost secrecy, we might refer them to our committee, with an instruction for them to order only two or three of the number to inspect such papers, and to report from them nothing but what they thought might be safely communicated to their whole number. By this method, I hope, the danger of a discovery would be effectually removed; therefore this danger cannot be a good argument against a parliamentary inquiry.

The other objection, Sir, is really surprising, because it is founded upon a circumstance which, in all former times, has been admitted as a strong argument for an immediate inquiry. The hon. gentlemen are so ingenuous as to confess, that our affairs both abroad and at home, are at present in the utmost distress; but say they, you ought to free yourselves from this distress, before you inquire how or by what means you was brought into it. Sir, according to this way of arguing, a minister that has plundered and betrayed his country, and fears being called to an account in parlialiament, has nothing to do but to involve his country into a dangerous war, or some other great distress, in order to prevent an inquiry into his conduct, because he may be dead before that war is at an end, or that distress got over. Thus, like the most villainous of all thieves, after he had plundered the house, he has nothing to do but to set it in a flame, that he may escape in the confusion. It is really astonishing to hear such an argument seriously urged in this House. But, say these gentlemen, if you found yourself upon a precipice, would you stand to inquire how you was led there, before you considered how to get off? No, Sir: but if a guide had led me there, I should very probably be provoked to throw him over, before I thought of any thing else; at least, I am sure, I should not trust to the same guide for bringing me off; and this, Sir, is the strongest argument that can be urged for an immediate inquiry.

We have been for these twenty years under the guidance, I may truly say, of one man, one single minister. We now at last find ourselves upon a dangerous precipice: ought not we then immediately to inquire, whether we have been led upon this precipice by his ignorance or wickedness? and if by either, to take care not to trust to his guidance for leading us off? This is an additional, and a stronger argument for this inquiry than ever was for any former; for if we do not inquire, we shall probably remain under his guidance; because, though he be removed from the Treasury board, he is not from the king's closet, nor probably will, unless it be by our advice, or by our sending him to a lodging at the other end of the town, where he cannot do so much harm to his country. Sir, the distress we are in at home is evidently owing to bad œconomy, and to our having been led into many needless expences: the distress and the danger we are in abroad, are evidently owing to the misconduct of our war with Spain, and to the little confidence put in our counsels by our natural and ancient allies. This is so evident, that I should not have thought it necessary to have entered into any particular explanation, if an hon. gentleman on the other side had not entered into a particular justification of most of our late measures, both abroad and at home; but as he has done so, though not, in my opinion, quite to the purpose of the present debate, yet, I hope, I shall be excused making some remarks upon what he has said on that subject, beginning, as he did, with the measures taken for punishing the South-sea directors, and restoring public credit, after the terrible shock it met with in the year 1720.

As those measures, Sir, were among the first exploits of our late, and I fear still our prime minister, at least his first since he came last into the administration; and as the committee proposed, if agreed to, will probably consist of one and twenty, I wish the motion had been for one year farther back, that the number of years might have been equal to the number of inquirers, and that it might have comprehended the first of those measures; for as it stands, it will not comprehend the methods taken for punishing the directors, nor the first regulations made for restoring public credit; and with regard to both, some practices might perhaps be discovered, that would deserve a much severer punishment than any of those directors met with. Considering the many tricks and frauds made use of by those directors and their agents, for drawing people into their ruin, I am not a little surprised to hear it now said, that their punishment was ever thought too severe. Justice by the lump was an epithet given it, not because it was thought too severe, but because it was a piece of cunning made use of for screening

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the most heinous offenders, who, if they did not deserve to be hanged, deserved at least to have that total ruin brought upon them, which they had brought upon many unthinking men, and therefore they very ill deserved those allowances that were made them by parliament.

Then, Sir, as to the restoring of public credit, its speedy restoration was founded upon the credit of the nation, and not upon the wisdom or justice of the measures taken to restore it. Was it a wise method to remit to the South Sea company the whole seven millions, or thereabout, which they had solemnly engaged to pay to the public? It might as well be said, that a private man's giving away a great part of his estate to those that no way deserved it, would be a wise method for reviving or establishing his credit. If those seven millions had been distributed among the poorer sort of annuitants, it would have been both generous and charitable; but to give it among the proprietors in general, was neither generous nor just, because most of them deserved no favour from the public: for as the proceedings of the directors were authorised by general courts, those who were then the proprietors were in some measure accessary to the frauds of the directors, and therefore deserved to have been punished, rather than rewarded, as they really were; because every one of them who continued to hold stock in that company got, by the regulations then made, near 50 per cent. added to his capital; most part of which arose from the high price the annuitants were by act of parliament obliged to take stock at, and was therefore a most flagrant piece of injustice done to the annuitants. But we need not be at a loss for the true cause of this act of injustice, when we consider, that a certain gentleman had a great many friends among the old stockholders, and few or none among the annuitants.

Another act of injustice which, I believe, we may ascribe to the same cause, relates to those who were engaged in heavy contracts for stock or subscriptions, many of whom groan under the load to this very day: for after we had by act of parliament quite altered the nature, though not the name of the stock they had bought, and made it much less valuable than it was when they engaged to pay a high price for it, I must think it was an act of public injustice, to leave them liable to be prosecuted at law for the whole money they had engaged to pay; and I am sure, it was not a method for restoring private credit, upon which our trade and navigation very much depend. If the same regulation had been made with regard to them, as was made with regard to those who had borrowed money of the company, or a sort of 'Uti possidetis' enacted, by declaring all such contracts void, so far as related to any future payments, it would not have been unjust, and was extremely necessary for quieting the minds of the people, for preventing their ruining one another at law, and for restoring credit between man and man, which is so necessary in a trading country; but there is reason to suppose, that a certain gentleman had many friends among the sellers in those contracts, and very few among the buyers, which was the reason why the latter could obtain little or no relief or mercy by any public law or regulation.

Then, Sir, with regard to the extraordinary grants made to the Civil List, the very reason given by the hon. gentlemen for justifying those grants, is a strong reason for an immediate enquiry. If there have arisen any considerable charges upon that revenue, let us see what those charges were; let us examine whether or no they were necessary. We have the more reason to do this, because the revenue settled upon his late majesty's civil list, was at least as great as was settled either upon king William or queen Anne, and yet neither of them ever asked any extraordinary grant, but, on the contrary, the latter gave out of her civil list revenue 100,000*l.* yearly, towards the support of the war; and yet there was as great hospitality in the royal palace during her time, as there has been ever since. Besides, there is a general rumour without doors, that the civil list is now greatly in arrear, which, if true, renders an enquiry absolutely necessary; for it is inconsistent with the honour and dignity of the crown of these kingdoms to be in arrear to its tradesmen and servants; and it is the duty of this House to take care, that the revenue we have settled for supporting the honour and dignity of our crown, shall not be squandered or misapplied. If former parliaments have failed in this respect, they must be blamed, though they cannot be punished; but we ought now to atone for their neglect, and we may punish those, if they can be discovered, who were the cause of it.

I come now in course to the Excise-scheme, which the hon. gentleman says,

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ought to be forgiven, because it was easily given up. Sir, it was not easily given up. The promoter of that scheme did not easily give it up; he gave it up with sorrow, with tears in his eyes, when he saw, and not till he saw it impossible to carry it through the House. Did not his majority decrease every division? It was almost certain, that if he had pushed it any further, the majority would have turned against him *. His sorrow shewed his disappointment; and his disappointment shewed that his design was higher than of preventing frauds in the customs. He was at that time so sensible of the influence of excise-laws and excisemen with regard to elections, and of the great occasion he would have for that sort of influence at the next general election, which was then approaching, that it is impossible to suppose, he had not that influence in view; and if he had, it was a most wicked attempt against our constitution; therefore he deserved the treatment he met with from the people. Perhaps there was none but what gentlemen are pleased to call Mob, concerned in burning him in effigy; but as the mob consists chiefly of children, journeymen and servants, who speak the sentiments of their parents and masters, we may thence judge of the sentiments of the better sort of people.

The hon. gentleman said, these were all the measures of a domestic nature, that could be found fault with, because none other were mentioned in this debate. Sir, he has already heard a reason why no other wrong measures should be particularly mentioned in this debate: if it were necessary, many others might be mentioned. Is not the keeping up of so numerous an army in time of peace to be found fault with? Is not the fitting out so many expensive squadrons for no purpose, to be found fault with? Are not the encroachments made upon the sinking fund, the reviving the salt duty, the rejecting many useful bills and motions in parliament, and many other domestic measures, to be found fault with? The weakness or wickedness of those measures has been often demonstrated, their ill consequences were at the respective times foretold, and those consequences are now become visible by our present distress.

Now, Sir, with regard to the foreign measures, which the hon. gentleman has attempt to justify. The treaty of Hanover deserves indeed to be first mentioned, because from thence springs the danger, which Europe is now exposed to; and it is impossible to assign a reason for our entering into that treaty, without supposing that we then resolved to be revenged on the emperor for refusing to grant us some favour in Germany. It is in vain now to insist upon the secret engagements entered into by the courts of Vienna and Madrid, as the cause of that treaty. Time has fully shewn, that there never were any such engagements; and his late majesty's speech from the throne cannot here be admitted as any evidence of the fact. Every one knows that in parliament, the king's speech is always considered as the speech of the minister; and surely a minister is not to be allowed to bring his own speech as an evidence of a fact in his own justification. If it be pretended that his late majesty had some sort of information, that such engagements had been entered into, that very pretence furnishes an unanswerable argument for an enquiry; for as the information now appears to have been groundless, we ought to enquire into it, because, if it appears to be such an information as ought not to have been believed, that minister ought to be punished who advised his late majesty to give credit to it, and to run the nation into such pernicious measures in consequence of it.

At the time this treaty was entered into, we wanted nothing from the emperor upon our own account. The abolishing of the Ostend company was a demand we had no right to make, nor were we in interest much obliged to insist upon it, because that company would have been more prejudicial to the interest, both of the French and Dutch East-India trade, than to ours; and if it had been a point that concerned us much, we might probably have gained it, by acceding to the Vienna treaty between the emperor and Spain, or by guaranteeing the pragmatic sanction, which we afterwards did in the most absolute manner without any consideration at all. We wanted nothing from Spain but a departure from the pretence she had just begun, or, I believe, hardly begun to set up in an express manner, with regard to searching and seizing our ships in the American seas; and this we did not obtain, or perhaps did not desire to obtain by the treaty of Seville. By that treaty we obtained nothing, but we made ano-

* The majority in favour of the Excise Scheme was 61 upon the first division; on the last only 17. See Vol. 9, p. 1.

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ther step towards bringing on that danger which Europe is now involved in, by uniting the courts of France and Spain, and laying a foundation for a new breach between the courts of Spain and Vienna.

I shall grant, Sir, our ministers appear to have been fond and diligent enough in negociating, and writing letters and memorials to the court of Spain; but by all I have looked into, it appears, they never rightly understood, or perhaps would not understand the point they were negociating about; and as they suffered themselves to be amused, as they say, with fair promises, for ten years together, whilst in the mean time our merchants were plundered, and our trade interrupted, we ought to enquire into this affair; for if it should appear, that they allowed themselves to be amused with such answers, as no man of honour in such circumstances would have taken, nor any man of common sense been amused with, they must have had some secret motive for allowing themselves to be thus imposed upon; this secret motive we may perhaps discover by an enquiry, and as it must be a wicked one, if it can be discovered, they ought to be severely punished.

But, in excuse for their conduct, it is said, our ministers had a laudable shyness of involving their country in a war. Sir, this shyness could not proceed from any regard to their country: it was involved in a war: Spain was carrying on a war against our trade, and that in the most insulting manner too, during the whole time of their negociations. It was this very shyness, or at least their making the court of Spain too sensible of it, that at last made it absolutely necessary for us to begin a war on our side. If they had at first insisted properly and peremptorily upon an explicit answer, Spain would have expressly given up the pretence she had just set up; but by the long experience we allowed her, she found the fruits of that pretence so plentiful and savoury, that she thought them worth risking a war for; and the damage we had suffered became so considerable, that it was worth contending for. Besides, the court of Spain was convinced, that whilst we were under such an administration, nothing could provoke us to begin the war on our side; or if we did, it would be managed weakly or pusillanimously; and have we not since found, that they formed a right judgment? Nothing, Sir, ever demanded more a parliamentary enquiry than our conduct in this war. The only branch of it we have enquired into, we have already censured and condemned: is not this a good reason for enquiring into every other branch? Disappointment and ill success have always, till now, occasioned a parliamentary enquiry. Inactivity of itself is a sufficient cause for an enquiry. We have now all these reasons concurring. Our admirals abroad desire nothing more; because they are conscious that our inactivity and ill success would appear not to be owing to their conduct, but to the conduct of those that sent them out.

I cannot conclude, Sir, without taking notice of the two other foreign measures mentioned by the hon. gentleman. Our conduct in the year 1734, with regard to the war between the emperor and France, may be easily accounted for, though not easily excused. Ever since the last accession of our late minister to power, we seem to have had a spite against the house of Austria. Our guaranty of the pragmatic sanction was an effect of that spite; because we entered into it, when, as has since appeared, we had no mind to perform our engagement; and by that sham guaranty got the emperor to admit of the introduction of the Spanish troops into Italy, which he would not otherwise have done. The preparations we made in that year, the armies we raised, and the fleets we fitted out, were not to guard against the event of the war abroad, but against the event of the ensuing election at home. The new commissions, the promotions, and the money laid out on these preparations, were of excellent use at the time of a general election, and in some measure atoned for the loss of the Excise Scheme; but France and her allies were well convinced, that we would, in no event, declare against them, otherwise they would not have dared to attack the emperor at that time; for Muscovy, Poland, Germany and Britain, would have been, by much, an over-match for them. It was not our preparations that set bounds to the ambition of France, but her getting all she wanted at that time for herself, and all she desired for her allies. Her own prudence directed her, that it was not then a proper time to push her views farther; because she did not know, but that the spirit of this nation might get the better, as it has since done with regard to Spain, of the spirit of our administration; and if this should have happened, the house of Austria was then in such a

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condition, that our assistance, even though late, would have been of effectual service.

I am surprised, Sir, to hear the hon. gentleman now say, that we gave up nothing, or got any thing by our infamous Convention with Spain. Did we not give up the freedom of our trade and navigation, by submitting it to be regulated by plenipotentiaries? Can freedom be regulated without being confined, and consequently in some part destroyed? Did not we give up Georgia, or some part of it, by submitting to have new limits settled by plenipotentiaries? Did we not give up all the reparation of honour we had so just a title to insist on? Did we not give up all reparation of the damage we had suffered, amounting to 5 or 600,000*l.* for the paltry sum of 27,000*l.* For this was all Spain promised to pay, after deducting the 68,000*l.* which we, by the declaration annexed to that treaty, allowed her to insist on having from our South Sea Company, under the penalty of stripping them of the Assiento contract, and all the privileges they were thereby intitled to. Even this sum of 27,000*l.* or more, they had before acknowledged to be due, on account of ships they had allowed to have been unjustly taken, and had actually sent orders for their restitution: so that, by this infamous treaty, we got nothing, and gave up every thing; and therefore, in my opinion, the honour of this nation can never be retrieved, unless the advisers and authors of it be censured and punished, which cannot regularly be done without a parliamentary enquiry.

By these, and the like wicked, or weak and pusillanimous measures, we are become the ridicule of every court in Europe, and have lost the confidence of all our ancient allies: by these we have encouraged France to extend her ambitious views, and now at last to attempt carrying them into execution. By bad œconomy and extravagance in our domestic measures, we have brought ourselves into such distress at home, that we are almost utterly incapable of entering into a war: by weakness or wickedness in our foreign measures, we have brought the affairs of Europe into such distress, that it is almost impossible for us to avoid entering into a war. By these means we have been brought upon the dangerous precipice on which we now find ourselves; and shall we trust our being led safely off to the same guide that has led us on? Sir, it is impossible for him to lead us off; it is impossible for us to get off, without first recovering that confidence among our ancient allies which this nation formerly used to have: this we cannot do as long as they will suppose, that our counsels are influenced by our late minister: and this they will suppose, as long as he has access to the king's closet, and his past conduct remains uninquired into and uncensured. It is not therefore a revenge for past sufferings but a desire to prevent future, that makes me so sanguine for this enquiry. His punishment, let it be never so severe, will be but a small atonement to his country for what is past; but his impunity will be the source of many future miseries to Europe, as well as to his native country. Let us be as merciful as we will, as any man can reasonably desire, when we come to pronounce sentence; but sentence we must pronounce, and for this purpose we must enquire, unless we are resolved to sacrifice our own liberties, and the liberties of Europe, to the preservation of one guilty man.

The question being put upon lord Limerick's motion, it passed in the negative by 244 against 242.

DEBATE IN THE COMMONS ON LORD LIMERICK'S MOTION FOR APPOINTING A COMMITTEE TO ENQUIRE INTO THE CONDUCT OF AFFAIRS AT HOME AND ABROAD DURING THE LAST TWENTY YEARS: *From the Gentleman's Magazine**.] Lord *Limerick* rose and said:

Sir; as I am about to offer to the House a motion of the highest importance to the honour and happiness of our country, to the preservation of our privileges, and the continuance of our constitution, I make no doubt of a candid attention from this assembly, and hope for such a determination as shall be the result not of external influence, but of real conviction.

I cannot but congratulate myself and all lovers of their country, that we are arrived at a time, in which such hopes may be rationally indulged, that we shall soon see the triumph of liberty, and the renovation of parliamentary freedom. It is not without the highest satisfaction, that I find my life protracted to that happy day, in which the yoke of dependence has been shaken off, and the shackles of oppression have been broken; in which truth and justice have once more raised up their

* Compiled by Dr. Johnson.



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heads, and obtained that regard, which had so long been paid to splendid wickedness and successful rapine.

The time is now past, in which it was meritorious to harden the heart against pity, and the forehead against shame; to plunder the people by needless taxes, and insult them by displaying their spoils before their eyes, in luxurious riot, and boundless magnificence; when the certain method of obtaining what the greatest part, even of good men, cannot but sometimes wish to acquire, interest, affluence, and honour, was an implicit resignation to authority, a desertion of all principles, a defiance of all censure, and an open declaration against any other motives of action, than the sole pleasure of an arbitrary minister.

It is now, Sir, no longer considered as an instance of disaffection to the government, to represent the miseries and declare the opinions of the people; to propose their interest as the great basis of government, the general end of society, and the parent of law. It is now no longer criminal to affirm, that they have a right to complain when they are in their own opinion injured, and to be heard when they complain. It may now be with safety asserted that those who swell with the pride of office, and glitter with the magnificence of a court, however they may display their affluence, or boast their titles, with whatever contempt they may have learned of late to look upon their fellow-subjects, who have no possessions but what they have obtained by their industry, nor any honours but what are voluntarily paid to their understanding and their virtue; with whatever authority they may dictate to their dependants, or whatever reverence they may exact from a long subordination of hirelings, are, amidst all their pomp and influence, only the servants of the people, entrusted by them with the administration of their affairs, and accountable to them for the abuse of trust.

That trusts of the highest importance have been long abused, that the servants of the people, having long thought themselves out of the reach of justice, and above examination, have very ill discharged the offices in which they have been engaged, that the public advantage has been wholly disregarded, that treaties have been concluded without any regard to the interest of Great Britain, and that our Foreign and Domestic Affairs have been managed with equal ignorance, negligence, or wickedness; the present state of Europe, and the calamities of this country, will sufficiently inform us.

If we survey the condition of foreign nations, we shall find, that the power and dominions of the House of Bourbon, a House which has never had any other designs than the extirpation of true religion, and the universal slavery of mankind, have been daily encreased. We shall find that they have encreased by the declension of the House of Austria, which treaties and our interest engage us to support.

But had their acquisitions been made only by the force of arms, had they grown stronger only by victories, and more wealthy only by plunder, our ministers might with some appearance of reason have imputed their success to accident, and informed us, that we gained in the mean time a sufficient counterbalance to those advantages, by an uninterrupted commerce, and by the felicity of peace; peace which in every nation has been found to produce affluence, and of which the wisest men have thought, that it could scarcely be too dearly purchased.

But peace has in this nation, by the wonderful artifices of our ministers, been the parent of poverty and misery; we have been so far from finding our commerce extended by it, that we have enjoyed it only by a contemptible patience of the most open depredations, by a long connivance at piracy, and by a continued submission to insults, which no other nation would have borne.

We have been so far from seeing any part of our taxes remitted, that we have been loaded with more rigorous exactions to support the expences of peace, than were found necessary to defray the charges of a war against those, whose opulence and power had incited them to aspire to the dominion of the world.

How these taxes have been employed, and why our trade has been neglected, why our allies have been betrayed, and why the ancient enemies of our country have been suffered to grow powerful by our connivances, it is now time to examine; and therefore I move, "That a Committee be appointed to enquire into the Conduct of Affairs at home and abroad during the last Twenty Years."

Sir *John St. Aubin:*

Sir, I rise up to second this motion;



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and, as the noble lord has opened it in so full and proper a manner, and as I do not doubt but that other gentlemen are ready to support it, more practised in speaking, of greater abilities and authority, than myself, I am the less anxious about the injury it may receive from the part I bear in it. I think the proposition is so evident, that it wants no enforcement; it comes to you from the voice of the nation, which, thank God, has at last found admittance within these walls.

Innocence is of so delicate a nature, that it cannot bear suspicion, and therefore will desire enquiry; because it will always be justified by it. Guilt, from its own consciousness, will use subterfuges, and fly to concealment; and the more righteous and authoritative the enquiry, the more it will be avoided; because the greater will be the dread of punishment.

In private life, I am contented with men's virtues only, without seeking for opportunities of blame. In a public character, when national grievances cry aloud for enquiry and justice, it is our duty to pursue all the footsteps of guilt; and the loud, the pathetic appeal of my constituents, is more forcibly persuasive than any motive of private tenderness. This appeal is not the clamour of faction, artfully raised to disturb the operation of government, violent for a while, and soon to be appeased. It is the complaint of long and patient sufferings, a complaint not to be silenced; and which all endeavours to suppress it, would only make more importunate and clamorous. It is the solemn appeal of the whole people, of the united body of our constituents, in this time of national calamity, earnestly beseeching you, in a legal parliamentary way, to redress their grievances, to revive your ancient right of enquiry, to explore the most remote and hidden sources of iniquity, to detect the bold authors of their distress, that they may be made examples of national justice.

It is to you they appeal, the true, the genuine representatives of the people. Not like former parliaments, an instrument of state, the property of a minister, purchased by the missionaries of corruption, who have been dispersed through the kingdom, and furnished with the public money to invade all natural interest, by poisoning the morals of the people. Upon this rotten foundation has been erected a towering fabric of corruption; a most dangerous conspiracy has been carried on against the very essence of our constitution, a formidable system of ministerial power has been formed, fallaciously assuming, under constitutional appearances, the name of legal government.

In this system we have seen the several offices of administration, meanly resolving themselves under the direction and controul of one man: while this scheme was pursued, the nation has been ingloriously patient of foreign indignities; our trade has been most shamefully neglected, or basely betrayed; a war with an impotent enemy, most amply provided for, unsuccessfully carried on; the faith of treaties broke; our natural allies deserted, and weakened even by that power, which we now dread for want of their assistance.

It is not the bare removal from office that will satisfy the nation, especially if such removal is dignified with the highest marks of royal favour. This only gives mankind a reasonable fear, that his majesty has rather condescended to the importunities, than adopted the opinion of his people. It is indeed a most gracious condescension, a very high instance of his majesty's just intentions, to remove any of his servants upon national suspicion; but it will give his majesty a most unfavourable opinion of his people, if he is not satisfied that this suspicion was just. It is the unfortunate situation of arbitrary kings, that they know the sentiments of their people only from whisperers in their closet. Our monarchy has securer establishments. Our sovereign is always sure of knowing the true sense of his people, because he may see it through the proper, the constitutional medium: but then this medium must be pure, it must transmit every object in its real form and its natural colours. This is all that is now contended for. You are called to the exercise of your just right of enquiry, that his majesty may see what reason there is for this general inquietude.

This motion is of a general nature; whom it may more particularly affect, I shall not determine. But there is a great person, lately at the head of the administration, who stands foremost, the principal object of national suspicion. He surely will not decline this enquiry, it is his own proposition, he has frequently in the name of the whole administration thrown down his gauntlet here, has desired your enquiries, and has rested his fate on your justice. The nation accepts the challenge,

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they join issue with him, they are now desirous to bring this great cause in judgment before you.

It must be imputed to the long intermission of this right of enquiry, that the people have now this cause of complaint; had the administration of this great person been submitted to the constitutional controuls, had his conduct undergone strict and frequent enquiries, he had parts and abilities to have done great honour and service to this country. But the will, uncontrouled, for ever must and will produce security and wantonness; nor can moderation and despotic power subsist long together.

In vain do we admire the outlines of our constitution, in vain do we boast of those wise and salutary restraints, which our ancestors, at the expence of their blood and treasure, have wisely imposed upon monarchy itself, if it is to be a constitution in theory only, if this evasive doctrine is to be admitted, that a fellow-subject of our own, perhaps of the lowest rank among us, may be delegated by the crown to exercise the administration of government, with absolute, uncontroulable dominion over us; which must be the case, if ministerial conduct is not liable to parliamentary enquiries.

If I did not think this motion agreeable to the rules and proceedings of parliament, if I thought it was meant to introduce any procedure which was not strictly consonant to the laws and constitution of my country, I do most solemnly protest I would be against it.

But as I apprehend it to arise from the nature and spirit of our constitution, as it will defend the innocent, and can be detrimental only to the guilty, I do most heartily second the motion.

Mr. *Henry Pelham:*

Sir; if it was not daily to be observed, how much the minds of the wisest and most moderate men are elated with success, and often those, who have been able to surmount the strongest obstacles with unwearied diligence, and to preserve their fortitude unshaken amidst hourly disappointments, have been betrayed by slight advantages into indecent exultations, unreasonable confidence, and chimerical hopes; had I not long remarked the infatuation of prosperity, and the pride of triumph, I should not have heard the motion which has been now made without astonishment.

It has been long the business or the amusement of the gentlemen, who, having for some time conferred upon themselves the venerable titles of patriots, advocates for the people, and defenders of the constitution, have at length persuaded part of the nation to dignify them with the same appellation, to display in the most pathetic language, and aggravate with the most hyperbolical exaggerations, the wantonness with which the late ministry exercised their power, the exorbitance of their demands, and the violence of their measures. They have indulged their imaginations, which have always been sufficiently fruitful in satire and invective, by representing them as men in whom all regard to decency or reputation was extinguished, men who no longer submitted to wear the mask of hypocrisy, or thought the esteem of mankind worth their care; who had ceased to profess any regard to the welfare of their country, or any desire of advancing the public happiness; and who no longer desired any other effects of their power, than the security of themselves and the conquest of their opponents.

Such, Sir, has been the character of the ministry, which, by the incessant endeavours of these disinterested patriots, has been carried to the remotest corners of the kingdom, and disseminated through all the degrees of the people. Every man, whom they could enlist among their pupils, whom they could persuade to see with their eyes, rather than his own, and who was not so stubborn as to require proofs of their assertions, and reasons of their conduct; every man who, having no sentiments of his own, hoped to become important by echoing those of his instructors, was taught to think and to say, that the court was filled with open corruption; that the greatest and the wisest men of the kingdom set themselves publicly to sale, and held an open traffic for votes and places; that whoever engaged in the party of the minister, declared himself ready to support his cause against truth, and reason, and conviction, and was no longer under the restraint of shame or virtue.

These assertions, hardy as they were, they endeavoured to support by instances of measures, which they described as having no other tendency, than to advance the court to absolute authority, to enslave the nation, or to betray it: and more happily would they have propagated their system,

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and much sooner would they have obtained a general declaration of the people in their favour, had they been able to have produced a motion like this.

Should the influence of these men encrease, should they grow secure in the possession of their power, by any new methods of deluding the people, what wonderful expedients, what unheard-of methods of government may not be expected from them? What degrees of violence may they not be supposed to practise, who have flushed their new authority by a motion which was never projected since the first existence of our government, or offered by the most arbitrary minister in all the confidence of an established majority.

It may perhaps be imagined by many of those who are unacquainted with parliamentary affairs, as many of the members of this House may without any reproach be supposed to be, that I have made use of those arts against the patriots which they have so long practised against the court; that I have exaggerated the enormity of the motion by unjust comparisons, or rhetorical flights; and that there will be neither danger nor inconvenience in complying with it to any but those who have betrayed their trust, or neglected their duty.

I doubt not, but many of those with whom this motion has been concerted, have approved it without seeing all its consequences; and have been betrayed into that approbation by a laudable zeal for their country, and a honest indignation against corruption and treachery, by a virtuous desire of detecting wickedness, and of securing our constitution from any future dangers or attacks.

For the sake, therefore, of these gentlemen, whom I cannot but suppose willing to follow the dictates of their own consciences, and to act upon just motives, I shall endeavour to lay open the nature of this extraordinary motion, and doubt not but that when they find it, as it will unquestionably appear, unreasonable in itself, and dangerous to posterity, they will change their opinion for the same reasons as they embraced it, and prefer the happiness of their country to the prosperity of their party.

Aagainst an enquiry into the conduct of all foreign and domestic affairs for twenty years past, it is no weak argument that it is without precedent; that neither the zeal of patriotism, nor the rage of faction, ever produced such a motion in any former age. It cannot be doubted by those who have read our histories, that formerly our country has produced men equally desirous of detecting wickedness, and securing liberty, with those who are now congratulating their constituents on the success of their labours; and that faction has swelled in former times to a height, at which it may reasonably be hoped it will never arrive again, is too evident to be controverted.

What, then, can we suppose was the reason, that neither indignation, nor integrity, nor resentment, ever before directed a motion like this? Was it not, because it neither will serve the purposes of honesty, nor wickedness; that it would have defeated the designs of good, and betrayed those of bad men; that it would have given patriotism an appearance of faction, rather than have vested faction with the disguise of patriotism?

It cannot be supposed, that the sagacity of these gentlemen, however great, has enabled them to discover a method of proceeding which escaped the penetration of our ancestors, so long celebrated for the strength of their understanding, and the extent of their knowledge. For it is evident, that without any uncommon effort of the intellectual faculties, he that proposes an enquiry for a year past, might have made the same proposal with regard to a longer time; and it is therefore probable, that the limitation of the term is the effect of his knowledge, rather than of his ignorance.

And, indeed, the absurdity of an universal enquiry for 20 years past is such, that no man whose station has given him opportunities of being acquainted with public business, could have proposed it, had he not been misled by the vehemence of resentment, or biassed by the secret operation of some motives different from public good; for it is no less than a proposal for an attempt impossible to be executed, and of which the execution, if it could be effected, would be detrimental to the public.

Were our nation, Sir, like some of the inland kingdoms of the continent, or the barbarous empire of Japan, without commerce, without alliances, without taxes, and without competition with other nations; did we depend only on the product of our own soil to support us, and the strength of our own arms to defend us, without any intercourse with dis-

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tant empires, or any solicitude about foreign affairs, were the same measures uniformly pursued, the government supported by the same revenues, and administered with the same views, it might not be impracticable to examine the conduct of affairs, both foreign and domestic, for 20 years; because every year would afford only a transcript of the accounts of the last.

But how different is the state of Great Britain, a nation whose traffic is extended over the earth, whose revenues are every year different, or differently applied, which is daily engaging in new treaties of alliance, or forming new regulations of trade with almost every nation, however distant, which has undertaken the arduous and intricate employments of superintending the interests of all foreign empires, and maintaining the equipoise of the European powers, which receives ambassadors from all the neighbouring princes, and extends its regard to the limits of the world!

In such a nation, every year produces negociations of peace, or preparations for war, new schemes and different measures, by which expences are sometimes encreased, and sometimes retrenched. In such a nation, every thing is in a state of perpetual vicissitude; because its measures are seldom the effects of choice, but of necessity, arising from the change of conduct in other powers.

Nor is the multiplicity and intricacy of our Domestic Affairs less remarkable or particular. It is too well known that our debts are great, and our taxes numerous; that our funds, appropriated to particular purposes, are at some times deficient, and at others redundant; and that therefore the money arising from the same imposts, is differently applied in different years. To assert that this fluctuation produces intricacy, may be imagined a censure of those to whose care our accounts are committed; but surely it must be owned, that our accounts are made necessarily less uniform and regular, and such as must require a longer time for a complete examination.

Whoever shall set his foot in our offices, and observe the number of papers with which the transactions of the last twenty years have filled them, will not need any arguments against this motion. When he sees the number of writings which such an enquiry will make necessary to be perused, compared, and extracted, the accounts which must be examined and opposed to others, the intelligence from foreign courts which must be considered, and the estimates of domestic expences which must be discussed; he will own, that whoever is doomed to the task of this enquiry, would be happy in exchanging his condition with that of the miners of America, and that the most resolute industry, however excited by ambition, or animated by patriotism, must sink under the weight of endless labour.

If it be considered how many are employed in the public offices, it must be confessed either that the national treasure is squandered in salaries upon men who have no employment, or that 20 years may be reasonably supposed to produce more papers than a committee can examine; and, indeed, if the committee of enquiry be not more numerous than has ever been appointed, it may be asserted, without exaggeration, that the enquiry into our affairs for 20 years past, will not be accurately performed in less than 20 years to come; in which time those whose conduct is now supposed to have given the chief occasion to this motion, may be expected to be removed for ever from the malice of calumny, and the rage of persecution.

But if it should be imagined by those who, having never been engaged in public affairs, cannot properly judge of their intricacy and extent, that such an enquiry is in reality so far from being impossible, that it is only the work of a few months, and that the labour of it will be amply recompensed by the discoveries which it will produce, let them but so long suspend the gratification of their curiosity, as to consider the nature of that demand by which they are about to satisfy it; a demand by which nothing less is required than that all the secrets of our government should be made public.

It is known in general to every man, whose employment or amusement it has been to consider the state of the French kingdoms, that the last 20 years have been a time not of war, but of negociations; a period crowded with projects, and machinations often more dangerous than violence and invasions; and that these projects have been counteracted by opposite schemes, that treaties have been defeated by treaties, and one alliance overbalanced by another.

Such a train of transactions, in which almost every court of France has been en-

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gaged, must have given occasion to many private conferences, and secret negociations; many designs must have been discovered by informers who gave their intelligence at the hazard of their lives, and been defeated sometimes by secret stipulations, and sometimes by a judicious distribution of money to those who presided in parliament or in council.

Every man must immediately be convinced, that by the enquiry now proposed, all these secrets will be brought to light; that one prince will be informed of the treachery of his servants, and another see his own cowardice or venality exposed to the world. It is plain, that the channels of intelligence will be for ever stopped, and that no prince will ever enter into private treaties with a monarch who is denied by the constitution of his kingdom, the privilege of concealing his own measures. It is evident, that our enemies may hereafter plot our ruin in full security, and that our allies will no longer treat us with confidence.

Since, therefore, the enquiry now demanded is impossible, the motion ought to be rejected; as it can have no other tendency than to expose parliament and the nation to ridicule; and since, if it could be performed, it would produce consequences fatal to our government, as it would expose our most secret measures to our enemies, and weaken the confidence of our allies, I hope every man who regards either his own reputation, or that of parliament, or professes any solicitude for the public good, will oppose the motion.

Lord *Quarendon*:

Sir; I am always inclined to suspect a man who endeavours rather to terrify than persuade. Exaggerations and hyperboles are seldom made use of by him who has any real arguments to produce. The reasonableness of this motion, (of which I was convinced when I first heard it, and of which, I believe, no man can doubt who is not afraid of the enquiry proposed by it,) is now in my opinion evinced by the weak opposition which has been made by the hon. gentleman, to whose abilities I cannot deny this attestation, that the cause which he cannot defend, has very little to hope from any other advocate.

And surely he cannot, even by those who, whenever he speaks, stand prepared to applaud him, be thought to have produced any formidable argument against the enquiry, who has advanced little more than that it is impossible to be performed.

Impossibility is a formidable sound to ignorance and cowardice; but experience has often discovered, that it is only a sound uttered by those who have nothing else to say; and courage readily surmounts those obstacles that sink the lazy and timorous into despair.

That there are, indeed, impossibilities in nature, cannot be denied. There may be schemes formed which no wise man will attempt to execute, because he will know that they cannot succeed; but surely the examination of arithmetical deductions, or the consideration of treaties and conferences, cannot be admitted into the number of impossible designs; unless, as it may sometimes happen, the treaties and calculations are unintelligible.

The only difficulty that can arise, must be produced by the confusion and perplexity of our public transactions, the inconsistency of our treaties, and the fallaciousness of our estimates; but I hope no man will urge these as arguments against the motion. An enquiry ought to be promoted, that confusion may be reduced to order, and that the distribution of the public money may be regulated. If the examination be difficult, it ought to be speedily performed, because those difficulties are daily increasing; if it be impossible, it ought to be attempted, that those methods of forming calculations may be changed, which make them impossible to be examined.

Mr. *Henry Fox*:

Sir; to treat with contempt those arguments which cannot readily be answered, is the common practice of disputants; but as it is contrary to that candour and ingenuity which is inseparable from zeal for justice and love of truth, it always raises a suspicion of private views, and of designs, which however they may be concealed by specious appearances, and vehement professions of integrity and sincerity, tend in reality to the promotion of some secret interest, or the gratification of some darling passion. It is reasonable to imagine, that he who, in the examination of public questions, calls in the assistance of artifice and sophistry, is actuated rather by the rage of persecution, than the ardour of patriotism; that he is pursuing an enemy, rather than detecting a criminal; and that

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he declaims against the abuse of power in another, only that he may more easily obtain it himself.

In parliamentary debates, I have often known this method of easy confutation practised, sometimes with more success, and sometimes with less. I have often known ridicule of use, when reason has been baffled, and seen those affect to despise their opponents, who have been able to produce nothing against them but artful allusions to past debates, satirical insinuations of dependence, or hardy assertions unsupported by proofs. By these arts I have known the young and unexperienced kept in suspence; I have seen the cautious and diffident taught to doubt of the plainest truths; and the bold and sanguine persuaded to join in the cry, and hunt down reason after the example of their leaders.

But a bolder attempt to disarm argument of its force, and to perplex the understanding, has not often been made, than this which I am now endeavouring to oppose. A motion has been made and seconded for an enquiry, to which it is objected, not that it is illegal, not that it is inconvenient, not that it is unnecessary, but that it is impossible. An objection more formidable cannot, in my opinion, easily be made; nor can it be imagined that those men would think any other worthy of an attentive examination, who can pass over this as below their regard; yet even this has produced no answer, but contemptuous raillery, and violent exclamation.

What arguments these gentlemen require, it is not easy to conjecture; or how those who disapprove their measures, may with any hope of success dispute against them. Those impetuous spirits that break so easily through the bars of impossibility, will scarcely suffer their career to be stopped by any other restraint; and it may be reasonably feared, that arguments from justice, or law, or policy, will have little force upon these daring minds, who in the transports of their newly acquired victory, trample impossibility under their feet, and imagine, that to those who have vanquished the ministry, every thing is practicable.

That this enquiry would be the work of years; that it would employ greater numbers than were ever deputed by this House on such an occasion before; that it would deprive the nation of the counsels of the wisest and most experienced members of this House, (for such only ought to be chosen,) at a time when all Europe is in arms, when our allies are threatened not only with subjection, but annihilation; when the French are reviving their ancient schemes, and projecting the conquest of the continent; and that it would therefore interrupt our attention to more important affairs, and disable us from rescuing our confederates, is incontestably evident; nor can the wisest or the most experienced determine how far its consequences may extend, or inform us, whether it may not expose our commerce to be destroyed by the Spaniards, and the liberties of all the nations around us to be infringed by the French; whether it may not terminate in the loss of our independence, and the destruction of our religion.

Such are the effects which may be expected from an attempt to make the inquiry proposed; effects, to which no proportionate advantages can be expected from it, since it has been already shown, that it can never be completed; and to which, though the indefatigable industry of curiosity or malice should at length break through all obstacles, and lay all the transactions of twenty years open to the world, no discoveries would be equivalent.

That any real discoveries of misconduct would be made, that the interest of our country would be found ever to have been lazily neglected, or treacherously betrayed, that any of our rights have been either yielded by cowardice, or sold by avarice, or that our enemies have gained any advantage over us by the connivance or ignorance of our ministers, I am indeed very far from believing: but as I am now endeavouring to convince those of the impropriety of this motion, who have long declared themselves of a different opinion, it may not be improper to ask, what advantage they propose by detecting errors of twenty years, which are now irretrievable; of enquiring into fraudulent practices, of which the authors and the agents are now probably in their graves; and exposing measures, of which all the inconveniences have been already felt, and which have now ceased to affect us.

If it be wise to neglect our present interest for the sake of enquiring into past miscarriages, and the enquiry now proposed be in itself possible, I have no objections to the present motion; but as I think the confused state of Europe demands our utmost attention, and the prosecution of the war against Spain is in itself of far more importance than the exa-



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mination of all past transactions, I cannot but think, that the duty which I owe to my country requires that I should declare myself unwilling to concur in any proposal, that may unnecessarily divert our thoughts or distract our counsels.

Lord *Perceval:*

Sir; to discourage good designs by representations of the danger of attempting, and the difficulty of executing them, has been at all times the practice of those whose interest has been threatened by them. A pirate never fails to intimidate his pursuers by exaggerating the number and resolution of his crew, the strength of his vessels, and the security of his retreats. A cheat discourages a prosecution by dwelling upon his knowledge of all the arts and subterfuges of the law, the steadiness of his witnesses, and the experience of his agents.

To raise false terrors by artful appearances is part of the art of war, nor can the general be denied praise, who, by an artful disposition of a small body, discourages those enemies from attacking him by whom he would certainly be overcome; but then, surely, the appearance ought to be such as may reasonably be expected to deceive; for a stratagem too gross only produces contempt and confidence, and adds the vexation of being ridiculous to the calamity of being defeated.

Whether this will be the fate of the advocates for the ministry, I am not able to determine; but surely they have forgot the resolution with which their enemies bore up for many years against their superiority, and the conduct by which at last they defeated the united influence of power and money, if they hope to discourage them from an attack, by representing the bulk and strength of their paper fortifications. They have lost all memory of the Excise and the Convention, who can believe their eloquence sufficiently powerful to evince, that the enquiry now proposed ought to be numbered among impossibilities.

Whoever, Sir, is acquainted with their methods of negociation, will indeed easily believe the papers sufficiently numerous, and the task of examining them such as no man would willingly undertake; for it does not appear for what end the immense sums which late parliaments have granted, were expended, except for the payment of secretaries, and ministers, and couriers. But, whatever care has been employed to perplex every transaction with useless circumstances, and to crowd every office with needless papers, it will be long before they convince us, that it is impossible to examine them. They may doubtless be in time perused, though perhaps they can never be understood.

The utmost inconvenience, Sir, that can be feared, is the necessity of engaging a greater number of hands than on former occasions, and it will be no disagreeable method to the public, if we employ some of the clerks which have been retained only for the sake of gratifying the leaders of boroughs, or advancing the distant relations of the defenders of the ministry, in unravelling those proceedings which they have been hitherto hired only to embarrass, and in detecting some of those abuses to which the will of their masters has made them instrumental; that they may at last deserve, in some degree, the salaries which they have enjoyed, may requite the public for their part of its spoils, by contributing to the punishment of the principal plunderers, and leave their offices, of which I hope the number will be quickly diminished, with the satisfaction of having deserved at last the thanks of their country.

By this expedient, Sir, the enquiry will be made at least possible, and I hope, though it should still remain difficult, those who have so long struggled for the preservation of their country, and who have at last seen their labours rewarded with success, will not be discouraged from pursuing it.

The necessity of such an enquiry will grow every day more urgent; because wicked men will be hardened in confidence of impunity, and the difficulty, such as it is, will be encreased by every delay; for what now makes an enquiry difficult, or in the style of these mighty politicians impossible, but the length of time that has elapsed since the last exertion of this right of the parliament, and the multitude of transactions which are necessarily to be examined?

What is this year an irksome and tedious task, will in another year require still more patience and labour; and though I cannot believe that it will ever become impossible, it will undoubtedly in time be sufficient to weary the most active industry, and to discourage the most ardent zeal.

The chief argument, therefore, that has been hitherto employed to discourage us

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from an enquiry, ought rather, in my opinion, to incite us to it. We ought to remember, that while the enemies of our country are fortifying themselves behind an endless multiplicity of negociations and accounts, every day adds new strength to their entrenchments, and that we ought to force them while they are yet unable to resist or escape us.

Sir *William Yonge:*

Sir; however I may be convinced in my own opinion of the impracticability of the enquiry now proposed, whatever confidence I may repose in the extensive knowledge and long experience of those by whom it has been openly pronounced not only difficult but impossible, I think there are arguments against the motion, which, though perhaps not stronger in themselves, (for what objection can be stronger than impossibility?) ought at least more powerfully to incite us to oppose it.

Of the impossibility of executing this enquiry, those who have proposed it well deserve to be convinced, not by arguments but experience; they deserve not to be diverted by persuasions from engaging in a task, which they have voluntarily determined to undergo; a task which neither honour, nor virtue, nor necessity has imposed upon them, and to which it may justly be suspected, that they would not have submitted upon any other motives, than those by which their conduct has hitherto been generally directed—ambition and resentment.

Men who upon such principles condemn themselves to labours which they cannot support, surely deserve to perish in the execution of their own projects, to be overwhelmed by the burthens which they have laid upon themselves, and to suffer the disgrace which always attends the undertakers of impossibilities; and from which the powers of raillery and ridicule, which they have so successfully displayed on this occasion, will not be sufficient to defend them.

They have indeed, Sir, with great copiousness of language, and great fertility of imagination, shown the weakness of supposing this enquiry impossible; they have proposed a method of performing it, which they hope will at once confute and irritate their opponents; but all their raillery and all their arguments have in reality been thrown away upon an attempt to confute what never was advanced. They have first mistaken the assertion which they oppose, and then exposed its absurdity; they have introduced a bugbear, and then attempted to signalize their courage and their abilities, by showing that it cannot fright them.

The hon. gentleman, Sir, who first mentioned to you the impossibility of this enquiry, spoke only according to the common acceptation of words, and was far from intending to imply natural and philosophical impossibility. He was far from intending to insinuate, that to examine any series of transactions, or peruse any number of papers, implied an absurdity, or contrariety to the established order of nature; he did not intend to rank this design with those of building in the air, or pumping out the ocean; he intended only to assert a moral or popular impossibility, to show that the scheme was not practicable but by greater numbers than could be conveniently employed upon it, or in a longer space of time than it was rational to assign to it; as we say it is impossible to raise groves upon rocks, or build cities in deserts, by which we mean only to imply, that there is no proportion between the importance of the effect, and the force of the causes which must operate to produce it; that the toil will be great, and the advantage little.

In this sense, Sir, and nothing but malice or perverseness could have discovered any other, the motion may be truly said to be impossible; but its impossibility ought to be rather the care of those who make, than of those that oppose it; and therefore I shall lay before the House other reasons, which, unless they can be answered, will determine me to vote against it.

It cannot be doubted but the papers which must on this occasion be examined, contain a great number of private transactions, which the interest of the nation and the honour of our sovereign require to be concealed. The system of policy which the French have, within the last century, introduced into the world, has made negociation more necessary than in any preceding time. What was formerly performed by fleets and armies, by invasions, sieges, and battles, has been of late accomplished by more silent methods. Kingdoms have been enlarged without bloodshed, and nations reduced to distress without the ravages of hostile armies, by the diminution of their commerce, and the alienation of their allies.

For this reason, Sir, it has been neces-



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sary frequently to engage in private treaties, to obviate designs sometimes justly, and at other times perhaps unreasonably suspected. It has been proper to act upon remote suppositions, and to conclude alliances which were only to be publicly owned, in consequence of measures taken by some other powers, which measures were sometimes laid aside, and the treaty therefore was without effect. In some of these provisionary contracts, it is easy to conceive, that designs were formed not to the advantage of some powers, whom yet we do not treat as enemies, which were only to be made public by the execution of them: in others, perhaps some concessions were made to us, in consideration of the assistance that we promised, by which the weakness of our allies may be discovered, and which we cannot disclose without making their enemies more insolent, and encreasing that danger from which they apply to us for security and protection.

If to this representation of the nature of the papers with which our offices have been filled by the negociations of the last twenty years, any thing were necessary to be added, it may be farther alleged, that it has long been the practice of every nation on this side of the globe to procure private intelligence of the designs and expectations of the neighbouring powers, to penetrate into the counsels of princes and the closets of ministers, to discover the instructions of ambassadors and the orders of generals, to learn the destination of fleets before they are equipped, and of armies before they are levied, and to provide not only against immediate and visible hostilities, but to obviate remote and probable dangers.

It need not be declared in this assembly, that this cannot always be done without employing men who abuse the confidence reposed in them, a practice on which I shall not at this time trouble the House with my opinion, nor interrupt the present debate, by any attempt to justify or condemn it. This I think may be very reasonably alleged, that whether the employment of such persons be defensible by the reciprocal practice of nations or not, it becomes at least those that corrupt them and pay them for their treachery, not to expose them to vengeance, to torture, or to ruin; not to betray those crimes which they have hired them to commit, or give them up to punishment, to which they have made themselves liable only by their instigation, and for their advantage.

That private compacts between nations and sovereigns ought to be kept inviolably secret, cannot be doubted by any man who considers, that secrecy is one of the conditions of those treaties, without which they had not been concluded; and therefore, that to discover them is to violate them, to break down the securities of human society, to destroy mutual trust, and introduce into the world universal confusion. For nothing less can be produced by a disregard of those ties which link nations in confederacies, and produce confidence and security, and which enable the weak by union to resist the attacks of powerful ambition.

How much it would injure the honour of our sovereign to be charged with the dissolution of concord, and the subversion of the general bulwarks of public faith, it is superfluous to explain. To know the condition to which a compliance with this motion would reduce the British nation, we need only turn our eyes downwards upon the hourly scenes of common life; we need only attend to the occurrences which crowd perpetually upon our view, and consider the calamitous state of that man, of whom it is generally known that he cannot be trusted, and that secrets communicated to him are in reality scattered among mankind.

Every one knows that such a man can expect none of the advantages or pleasures of friendship, that he cannot transact affairs with others upon terms of equality, that he must purchase the favours of those that are more powerful than himself, and frighten those into compliance with his designs who have any thing to fear from him; that he must give uncommon security for the performance of his covenants; that he can have no influence but that of money, which will probably become every day less, that his success will multiply his enemies, and that in misfortunes he will be without refuge.

The condition of nations collectively considered is not different from that of private men, their prosperity is produced by the same conduct, and their calamities drawn upon them by the same errors, negligences, or crimes; and therefore, since he that betrays secrets in private life, indisputably forfeits his claim to trust, since he that can be no longer trusted is on the brink of ruin, I cannot but conclude that, as by this motion all the se-

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crets of our government must be inevitably betrayed, my duty to his majesty, my love to my country, and my obligations to discharge with fidelity the trust which my constituents have conferred upon me, oblige me to oppose it.

Mr. *Lyttelton:*

Sir; it always portends well to those who dispute on the side of truth and reason, when their opponents appear not wholly to be hardened against the force of argument, when they seem desirous to gain the victory, not by superiority of numbers, but of reason, and attempt rather to convince, than to terrify or bribe. For though men are not in quest of truth themselves, nor desirous to point it out to others; yet while they are obliged to speak with an appearance of sincerity, they must necessarily afford the unprejudiced and attentive an opportunity of discovering the right. While they think themselves under a necessity of reasoning, they cannot but show the force of a just argument, by the unsuccessfulness of their endeavours to confute it, and the propriety of an useful and salutary motion, by the slight objections which they raise against it. They cannot but find themselves sometimes forced to discover what they can never be expected to acknowledge, the weakness of their own reasons, by deserting them, when they are pressed with contrary assertions, and seeking a subterfuge in new arguments equally inconclusive and contemptible. They show the superiority of their opponents, like other troops, by retreating before them, and forming one fortification behind another, in hopes of wearying those whom they cannot hope to repulse.

Of this conduct we have had already an instance in the present debate; a debate managed with such vigour, order, and resolution, as sufficiently shows the advantage of regular dicipline long continued, and proves, that troops may retain their skill and spirit, even when they are deprived of that leader, to whose instructions and example they were indebted for them. When first this motion was offered, it seems to have been their chief hope to divert us from it by outcries of impossibility, by representing it as the demand of men unacquainted with the state of our offices, or the multiplicity of transactions, in which the indefatigable industry of our ministers has been employed; and they have therefore endeavoured to persuade us, that they are only discouraging us from an insuperable labour, and advising us to desist from measures which we cannot live to accomplish.

But when they found, Sir, that their exaggerations produced merriment instead of terror, that their opponents were determined to try their strength against impossibility, that they were resolved to launch out into this boundless ocean of enquiry; an ocean of which they have been boldly told, that it has neither shore nor bottom, and that whoever ventures into it must be tost about for life; when they discovered that this was not able to shake our resolution, or move us to any other disposition, they thought it proper to explain away their assertion of impossibility, by making a kind of distinction between things impossible, and things which cannot be performed; and finding it necessary to enlarge their plea, they have now asserted, that this enquiry is both impossible and inexpedient.

Its impossibility, Sir, has been already sufficiently discussed, and shown to mean only a difficulty which the unskilfulness of our ministers has produced; for transactions can only produce difficulties to the enquirer, when they are confused; and confusion can only be the effect of ignorance or neglect.

Artifice is, indeed, one more source of perplexity; it is the interest of that man whose cause is bad to speak unintelligibly in the defence of it, and of him whose actions cannot bear to be examined, to hide them in disorder, to engage his pursuers in a labyrinth, that they may not trace his steps and discover his retreat; and what intricacies may be produced by fraud co-operating with subtilty, it is not possible to tell.

I do not however believe, that all the art of wickedness can elude the enquiries of a British parliament, quickened by zeal for the public happiness. The sagacity of our predecessors has often detected crimes concealed with more policy than can be ascribed to those whose conduct is now to be examined, and dragged the authors of national calamities to punishment from their darkest retreats. The expediency, therefore, of this motion is now to be considered, and surely it will not require long reflection to prove, that it is proper, when the nation is oppressed with calamities, to enquire by what misconduct they were brought upon it; when

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immense sums have been raised by the most oppressive methods of exaction, to ask why they were demanded, and how they were expended; when penal laws have been partially executed, to examine by what authority they were suspended, and by what they were enforced; and when the parliament has for twenty years implicitly obeyed the direction of one man, when it has been known throughout the nation before any question was proposed, how it would be decided, to search out the motive of that regular compliance, and to examine whether the minister was reverenced for his wisdom and virtue, or feared for his power, or courted for the public money; whether he owed his prevalence to the confidence or corruption of his followers?

It cannot surely be thought inexpedient, to inquire into the reasons for which our merchants were for many years suffered to be plundered, or for which a war, solicited by the general voice of the whole nation, was delayed; into the reasons for which our fleets were fitted out only to coast upon the ocean, and connive at the departure of squadrons and the transportation of armies, to suffer our allies to be invaded, and our traders ruined and enslaved.

It is in my opinion convenient to examine with the utmost rigour, why time was granted to our enemies to fortify themselves against us, while a standing army preyed upon our people? Why forces unacquainted with the use of arms were sent against them, under the command of leaders equally ignorant? And why we have suffered their privateers in the mean time to rove at large over the ocean, and insult us upon our own coasts? Why we did not rescue our sailors from captivity, when opportunities of exchange were in our power? And why we robbed our merchants of their crews by rigorous impresses, without employing them either to guard our trade, or subdue our enemies?

If parliament is not to be suffered to enquire into affairs like these, it is no longer any security to the people, that they have the right of electing representatives; and unless they may carry their enquiries back as far as they shall think it necessary, the most acute sagacity may be easily eluded; causes may be very remote from their consequences, the original motives of a long train of wicked measures may lie hid in some private transaction of former years, and those advantages which our enemies have been of late suffered to obtain, were perhaps sold them at some forgotten congress by some secret article.

Such are probably the private transactions which the hon. gentleman is so much afraid of exposing to the light; transactions in which the interest of this nation has been meanly yielded up by cowardice, or sold by treachery; in which Great Britain has been considered as a province subordinate to some other country, or in which the minister has enriched himself by the sacrifice of the public rights.

It has been, indeed, alleged with some degree of candour, that many of our treaties were provisions against invasions which perhaps were never intended, and calculated to defeat measures which only our own cowardice disposed us to fear. That such treaties have, indeed, been made, Hanover is a sufficient witness; but however frequently they may occur, they may surely be discovered with very little disadvantage to the nation; they will prove only the weakness of those that made them, who were at one time intimidated by chimerical terrors, and at another lulled into confidence by airy security.

The concessions from foreign powers, which have been likewise mentioned, ought surely not to be produced as arguments against the motion; for what could more excite the curiosity of the nation, if, indeed, this motion were in reality produced by malevolence or resentment? If none were expected to concur in it but those who envied the abilities, or had felt the power of the late minister, it might be perhaps defeated by such insinuations; for nothing could more certainly regain his reputation, or exalt him to more absolute authority, than proofs that he had obtained for us any concessions from foreign powers.

If any advantageous terms have been granted us, he must be confessed to have so far discharged his trust to his allies, that he has kept them with the utmost caution from the knowledge of the people, who have heard during all his administration of nothing but subsidies, submission, and compliances paid to almost every prince on the continent who has had the confidence to demand them; and if by this enquiry any discovery to the disadvantage of our allies should be struck out, he may with great sincerity allege, that it was made without his consent.

Another objection to this enquiry is, that the spies which are retained in foreign

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courts may be detected by it, that the canals of our intelligence will be for ever stopped, and that we shall henceforth have no knowledge of the designs of foreign powers, but what may be honestly attained by penetration and experience. Spies are, indeed, a generation for whose security I have not much regard, but for whom I am on this occasion less solicitous, as I believe very few of them will be affected by this motion.

The conduct of our ministers has never discovered such an acquaintance with the designs of neighbouring princes, as could be suspected to be obtained by any uncommon methods, or they have very little improved the opportunities which early information put into their power; for they have always been baffled and deceived. Either they have employed no spies, or their spies have been directed to elude them by false intelligence, or true intelligence has been of no use; and if any of these assertions be true, the public will not suffer by the motion.

It was justly observed by the hon. gentleman, that a parallel may be properly drawn between a nation and a private man, and by consequence between a trading nation and a trader. Let us therefore, consider, what must be the state of that trader who shall never inspect or state his accounts, who shall suffer his servants to traffic in the dark with his stock, and on his credit, and who shall permit them to transact bargains in his name, without enquiring whether they are advantageous, or whether they are performed.

Every man immediately marks out a trader thus infatuated, as on the brink of bankruptcy and ruin; every one will easily foresee, that his servants will take advantage of his credulity, and proceed hourly to grosser frauds; that they will grow rich by betraying his interest, that they will neglect his affairs to promote their own, that they will plunder him till he has nothing left, and seek then for employment amongst those to whom they have recommended themselves by selling their trust. His neighbours, who easily foresee his approaching misery, retire from him by degrees, disunite their business from his, and leave him to fall without involving others in his ruin.

Such must be the fate of a trader whom idleness, or a blind confidence in the integrity of others, hinders from attending to his own affairs, unless he rouses from his slumber, and recovers from his infatuation. And what is to be done by the man who, having for more than twenty years neglected so necessary an employment, finds what must necessarily be found in much less time, his accounts perplexed, his credit depressed, and his affairs disordered? What remains, but that he suffer that disorder to proceed no farther, that he resolutely examine all the transactions which he has hitherto overlooked, that he repair those errors which are yet retrievable, and reduce his trade into method; that he doom those servants, by whom he has been robbed or deceived, to the punishment which they deserve, and recover from them that wealth which they have accumulated by rapacity and fraud?

By this method only can the credit of the trader or the nation be repaired, and this is the method which the motion recommends; a motion with which therefore every man may be expected to comply, who desires that his country should once more recover its influence and power, who wishes to see Great Britain again courted and feared, and her monarch considered as the arbiter of the world, the protector of true religion, and the defender of the liberties of mankind.

Mr. *Phillips*:

Sir; I am so far from believing that there is danger of exposing the spies of the government to the resentment of foreign princes, by complying with this motion, that I suspect the opposition to be produced chiefly from a consciousness, that no spies will be discovered to have been employed, and that the secret service for which such large sums have been required, will appear to have been rather for the service of domestic than of foreign traitors, and to have been performed rather in this House than in foreign courts.

Secret Service has been long a term of great use to the ministers of this nation; a term of art to which such uncommon efficacy has been hitherto annexed, that the people have been influenced by it to pay taxes, without expecting to be informed how they were applied, having been content with being told when they inquired after their properties, that they were exhausted and dissipated in secret service.

Secret service I conceive to have originally implied transactions of which the agents were secret, though the effects were visible. When Marlborough defeated

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the French, when he counteracted all their stratagems, obviated all their designs, and deceived all their expectations, he charged the nation with large sums for secret service, which were, indeed, chearfully allowed; because the importance and reality of the service were apparent from its effects. But what advantages can our ministers boast of having obtained in twenty years by the means of their intelligence? or by whom have they, within that period, not been deceived by false appearances? When we purchase secret service at so dear a rate, let it appear that we really obtain what we pay for, though the means by which it is obtained are kept impenetrably secret. Wherever the usefulness of the intelligence is not discoverable, it is surely just to enquire, whether our money is not demanded for other purposes, whether we are not in reality hiring with our own money armies to enslave, or senators to betray us; or enriching an avaricious minister, while we imagine ourselves contributing to the public security?

Colonel *Cholmondeley:*

Sir; it has been in all foregoing ages the custom for men to speak of the government with reverence, even when they opposed its measures, or projected its dissolution; nor has it been thought in any time before our own, decent or parliamentary to give way to satire or invective, or indulge a petulant imagination, to endeavour to level all orders by contemptuous reflections, or to court the populace, by echoing their language, or adopting their sentiments.

This method of gaining the reputation of patriotism, has been unknown till the present age, and reserved for the present leaders of the people, who will have the honour to stand recorded as the original authors of anarchy, the great subverters of order, and the first men who dared to pronounce, that all the secrets of government ought to be made public.

It has been hitherto understood in all nations, that those who were intrusted with authority, had likewise a claim to respect and confidence; that they were chosen for the superiority of their abilities, or the reputation of their virtue; and that therefore it was reasonable to consign to their management, the direction of such affairs as by their own nature require secrecy.

But this ancient doctrine, by which subordination has been so long preserved, is now to be set aside for new principles, which may flatter the pride, and incite the passions of the people; we are now to be told, that affairs are only kept secret, because they will not bear examination; that men conceal not those transactions in which they have succeeded, but those in which they have failed; that they are only inclined to hide their follies or their crimes, and that to examine their conduct in the most open manner, is only to secure the interest of the public.

Thus has the nation been taught to expect, that the counsels of the cabinet should be dispersed in the public papers; that their governors should declare the motives of their measures, and discover the demands of our allies, and the scheme of our policy; and that the people should be consulted upon every emergence, and enjoy the right of instructing not only their own representatives, but the ministers of the crown.

In this debate the mention of secret treaties has been received with contempt and ridicule, the ministers have been upbraided with chimerical fears, and unnecessary provisions against attacks which never were designed; they have been alleged to have no other interest in view than their own, when they endeavour to mislead enquirers, and to have in reality nothing to keep from public view but their own ignorance or wickedness.

It cannot surely be seriously asserted by men of knowledge and experience, that there are no designs formed by wise governments, of which the success depends upon secrecy; nor can it be asserted, that the enquiry now proposed will betray nothing from which our enemies may receive advantage.

If we should suppose, that all our schemes are either fully accomplished, or irretrievably defeated, it will not even then be prudent to discover them, since they will enable our enemies to form conjectures of the future from the past, and to obviate hereafter the same designs, when it shall be thought necessary to resume them.

But, in reality, nothing is more irrational, than to suppose this a safer time than any other for such general discoveries; for why should it be imagined, that our engagements are not still depending, and our treaties yet in force? And what can be more dishonourable or imprudent, than to destroy at once the whole scheme of foreign policy, to dissolve our alliances,

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and destroy the effects of such long and such expensive negociations, without first examining whether they will be beneficial or detrimental to us?

Nor is it only with respect to foreign affairs that secrecy is necessary; there are undoubtedly many domestic transactions which it is not proper to communicate to the whole nation. There is still a faction among us, which openly desires the subversion of our present establishment; a faction, indeed, not powerful, and which grows, I hope, every day weaker, but which is favoured, or at least imagines itself favoured, by those who have so long distinguished themselves by opposing the measures of the government. Against these men, whose hopes are revived by every commotion, who studiously heighten every subject of discontent, and add their outcries to every clamour, it is not doubted but measures are formed by which their designs are discovered, and their measures broken; nor can it be supposed, that this is done without the assistance of some who are received with confidence amongst them, and who probably pass for the most zealous of their party.

Many other domestic occasions of expence might be mentioned, of expence which operates in private, and produces benefits which are only not acknowledged because they are not known, but which could no longer be applied to the same useful purposes, if the channels through which it passes were laid open. I cannot therefore forbear to offer my opinion, that this motion, by which all the secrets of our government will be discovered, will tend to the confusion of the present system of Europe, to the absolute ruin of our interest in foreign courts, and to the embarrassment of our domestic affairs. I cannot, therefore, conceive how any advantages can be expected by the most eager persecutors of the late ministry, which can, even in their opinion, deserve to be purchased at so dear a rate.

Mr. *Pitt*:

Sir; I know not by what fatality the adversaries of the motion are impelled to assist their adversaries, and contribute to their own overthrow, by suggesting, whenever they attempt to oppose it, new arguments against themselves.

It has been long observed, that when men are drawing near to destruction, they are apparently deprived of their understanding, and contribute by their own folly to those calamities with which they are threatened, but which might by a different conduct be sometimes delayed. This has surely now happened to the veteran advocates for an absolute and unaccountable ministry, who have discovered on this occasion, by the weakness of their resistance, that their abilities are declining; and I cannot but hope, that the omen will be fulfilled; and that their infatuation will be quickly followed by their ruin.

To touch in this debate on our domestic affairs, to mention the distribution of the public money, and to discover their fears, lest the ways in which it has been disbursed, should by this enquiry be discovered, to recal to the minds of their opponents the immense sums which have been annually demanded, and of which no account has been yet given, is surely the lowest degree of weakness and imprudence.

I am so far from being convinced that any danger can arise from this enquiry, that I believe the nation can only be injured by a long neglect of such examinations; and that a minister is easily formidable, when he has exempted himself by a kind of prescription from exposing his accounts, and has long had an opportunity of employing the public money in multiplying his dependants, enriching his hirelings, enslaving boroughs, and corrupting parliaments.

That those have been in reality the purposes for which the taxes of many years have been squandered, is sufficiently apparent without an enquiry. We have wasted sums with which the French, in pursuance of their new scheme of encreasing their influence, would have been able to purchase the submission of half the nations of the earth, and with which the monarchs of Europe might have been held dependent on a nod; these they have wasted only to sink our country into disgrace, to heighten the spirit of impotent enemies, to destroy our commerce, and distress our colonies. We have patiently suffered, during a peace of 20 years, those taxes to be extorted from us, by which a war might have been supported against the most powerful nation, and have seen them engulphed in the boundless expences of the government, without being able to discover any other effect from them than the establishment of ministerial tyranny.

There has, indeed, been among the followers of the court a regular subordina-

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tion, and exact obedience; nor has any man been found hardy enough to reject the dictates of the premier. Every man who has received his pay, has with great cheerfulness complied with his commands; and every man who has held any post or office under the crown, has evidently considered himself as enlisted by the minister.

But the visible influence of places, however destructive to the constitution, is not the chief motive of an enquiry; an enquiry implies something secret, and is intended to discover the private methods of extending dependence, and propagating corruption; the methods by which the people have been influenced to choose those men for representatives whose principles they detest, and whose conduct they condemn; and by which those whom their country has chosen for the guardians of its liberties, have been induced to support in this House measures, which in every other place they have made no scruple to censure.

When we shall examine the distribution of the public treasure, when we shall enquire by what conduct we have been debarred from the honours of war, and at the same time deprived of the blessings of peace, to what causes it is to be imputed, that our debts have continued during the long-continued tranquillity of Europe, nearly in the state to which they were raised by fighting, at our own expence, the general quarrel of mankind; and why the sinking fund, a kind of inviolable deposit appropriated to the payment of our creditors, and the mitigation of our taxes, has been from year to year diverted to very different uses: we shall find that our treasure has been exhausted, not to humble foreign enemies, or obviate domestic insurrections; not to support our allies, or suppress our factions; but for ends which no man, who feels the love of his country yet unextinguished, can name without horror, the purchase of alliances, and the hire of votes, the corruption of the people, and the exaltation of France.

Such are the discoveries which I am not afraid to declare, that I expect from the enquiry, and therefore I cannot but think it necessary. If those to whom the administration of affairs has been for 20 years committed, have betrayed their trust, if they have invaded the public rights with the public treasure, and made use of the dignities which their country has conferred upon them, only to enslave it, who will not confess, that they ought to be delivered up to speedy justice? That they ought to be set as land-marks to posterity, to warn those who shall hereafter launch out on the ocean of affluence and power, not to be too confident of a prosperous gale, but to remember, that there are rocks on which whoever rushes must inevitably perish? If they are innocent, and far be it from me to declare them guilty without examination, whom will this enquiry injure? Or what effects will it produce, but that which every man appears to desire, the re-establishment of the public tranquillity, a firm confidence in the justice and wisdom of the government, and a general reconciliation of the people to the ministers?

Colonel *Mordaunt:*

Sir; notwithstanding the zeal with which the hon. gentleman has urged the necessity of this enquiry, a zeal of which I think, it may at least be said, that it is too vehement and acrimonious to be the mere result of public spirit, unmixed with interest or resentment; he has yet been so far unsuccessful in his reasoning, that he has not produced in me any conviction, or weakened any of the impressions which the arguments of those whom he opposes had made upon me.

He has contented himself with recapitulating some of the benefits which may be hoped for from the enquiry; he has represented in the strongest terms, the supposed misconduct of the ministry; he has aggravated all the appearances of wickedness or negligence, and then has inferred the usefulness of a general enquiry for the punishment of past offences, and the prevention of the like practices in future times.

That he has discovered great qualifications for invective, and that his declamation was well calculated to inflame those who have already determined their opinion, and who are therefore only restrained from such measures as are now recommended by natural caution and sedateness, I do not deny; but surely he does not expect to gain proselytes by assertions without proof, or to produce any alteration of sentiments, without attempting to answer the arguments which have been offered against his opinion.

It has been urged, with great appearance of reason, that an enquiry, such as is now proposed, with whatever prospects of vengeance, of justice, or of advantage, it may flatter us at a distance, will be in reality



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detrimental to the public; because it will discover all the secrets of our government, lay all our negociations open to the world, will show what powers we most fear, or most trust, and furnish our enemies with means of defeating all our schemes, and counteracting all our measures.

This appears to me, Sir, the chief argument against the motion, an argument of which the force cannot but be discovered by those whose interest it is to confute it, and of which, therefore, by appearing to neglect it, they seem to confess that it is unanswerable; and therefore, since I cannot find the motion justified otherwise than by loud declarations of its propriety, and violent invectives against the ministry, I hope that I shall escape at least the censure of the calm and impartial, though I venture to declare that I cannot approve it; and with regard to the clamorous and turbulent, I have long learned to despise their menaces, because I have hitherto found them only the boasts of impotence.

Mr. *Cornwall:*

Sir; if to obtain the important approbation of the gentleman that spoke last, it be necessary only to answer the argument on which he has insisted, and nothing be necessary to produce an enquiry but his approbation, I shall not despair, that this debate may be concluded according to the wishes of the nation, that secret wickedness may be detected, and that our posterity may be secured from any invasion of their liberty, by examples of the vengeance of an injured people.

To confute the argument advanced by the hon. gentleman, it appears to me only necessary to deny the assertion on which it is founded, of which I am, indeed, very far from being able to find, that it is indisputable, or that it is any more than a pretence made use of to elude an examination far more dangerous to the ministry than the empire.

Let us enquire how our affairs are transacted, and how this enquiry is to be prosecuted, and it will soon appear, that the danger which has been represented so formidable is merely chimerical, and that we may punish our domestic enemies without giving any advantage to the malice of foreign powers.

It is well known, Sir, that the public affairs are not transacted personally by the great officers of state, without the intervention of messengers, and the agency of secretaries and clerks, by whom all dispatches are drawn up according to the direction of their superiors, or transcribed and reposited in the offices, and to whom consequently every transaction is known, and all secrets are entrusted. The enquiry will be made by a Secret Committee selected by the House, and delegated to this employment for their capacity, industry, and integrity; and of whom it may surely be asserted, that they are not less worthy of confidence than the clerks of an office, or less likely to prefer the interest and security of their country in which they have large possessions, and of their constituents by whom they have been entrusted with the disposal of their properties and the guardianship of their rights, to the idle vanity of amusing their companions with a recital of secret transactions, and the pleasure of magnifying their own importance by showing how much they have been trusted.

The report is, indeed, afterwards to be brought before the House, and if any criminal transactions are discovered, they may become the ground of accusations or impeachments. But it must be confessed, that the people have made a very unhappy choice, if the members of this House are not at least as worthy of trust as the agents of the ministry, for in the opinion of far the greater part of the nation, the ministry itself has been selected from that part of their representative, in which confidence could least safely be reposed.

It is not likely, that parliament will publish the report, if it be found to contain any other secrets than those of treachery and corruption; or that they will sacrifice the public happiness to the thirst of vengeance; and therefore I cannot but believe, that the secrets of the government may be still concealed, though the crimes of the ministry be published to the world.

The question was then put, and determined in the negative by 244 against 242.*

* "While Pulteney was confined by the sickness and death of his daughter, the other leaders of the opposition in the House of Commons, being eager to prove that they could carry a measure without his assistance, lord Limerick moved, on the 9th of March, for a Secret Committee, to enquire into the administration of sir Robert Walpole, during the last twenty years. Winchelsea and Carteret, whom Pulteney had particularly favoured, intimated to his friends, without his authority,



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*The Pension Bill passes the Commons.*] March 16. The Commons passed the Pension-Bill, on a division, Ayes 233, Noes 153, which Mr. Carew was ordered to carry to the Lords.

*The Place-Bill passes the Commons.*] March 22. The Bill for the better securing the freedom of parliaments, by limiting the number of officers in the House of Commons, was read the third time, passed, and sent to the Lords by Mr. Sandys Chancellor of the Exchequer.

that it would be agreeable to him if they would not attend; accordingly, the motion being made during his absence, while Sandys was gone to Worcester to be elected, was lost by a majority of only 2; 244 against 242.

"Pulteney in several audiences urged repeatedly to the king, that the Tories were by no means Jacobites, and to use them as Jacobites, was the ready way to make them so; that two-thirds of the nation were Tories, and several of them men of large estates. He even ventured to ask the king why he made himself only the head of a party, when he might be king of the whole nation! He himself, he added, was a Whig, his most intimate friends were Whigs. He was of opinion, that the trunk of the tree in the government should be formed of Whigs, but that the Tories might be inoculated or engrafted upon it. The Tories were not masters of calculation, or proficients in the knowledge of languages, and therefore could not nor did not expect the first situations under government: by conferring a few places at court on some of the most considerable, by constituting others lord lieutenants of the counties, and by distributing some other marks of royal favour, he would disarm the whole party, and prevent their uniting in opposition to government. By this conduct, the king might abolish all distinctions of parties, and the remainder of his reign might be peaceable and glorious. But Pulteney was now talking in vain; all his remonstrances were ineffectual; he was no longer the soul of a great party, and lost that personal credit and power which he enjoyed from that situation.

"The third great object which Orford had to effect, was his own security, which the temper of parliament, and the popular outcry against him, rendered extremely difficult. But the support of the king, the opposition of the House of Peers, the goodness of his cause, and the steady zeal of his friends, finally prevailed: the good sense of the nation was not long to be deluded by vague accusations of pretended patriots.

"It is fortunate, however, for the honour of sir Robert Walpole, that the enquiry into his administration took place; as the ordeal which he underwent on this occasion, was such as could have been passed by few ministers, who had, during so long a period, directed the helm of government in a great commercial country, divided into parties, and torn by factions." Coxe's Memoirs of sir R. Walpole.

DEBATE IN THE COMMONS ON LORD LIMERICK'S MOTION FOR APPOINTING A COMMITTEE TO ENQUIRE INTO THE CONDUCT OF ROBERT EARL OF ORFORD DURING THE LAST TEN YEARS. *From the London Magazine.**] March 23. The Serjeant at Arms was ordered to go to the Court of Requests and the places adjacent, and summon the members to attend, which being done,

Lord *Limerick* rose and said:†

Sir; notwithstanding the bad success of

* Two distinct Reports of this important Debate having appeared in the London and Gentleman's Magazine, both of them are here preserved. The London Magazine gave the Debate in December 1742; the Gentleman's (compiled by Dr. Johnson) in July 1743.

† "The motion of lord Limerick to institute an inquiry into the conduct of sir Robert Walpole, during the last twenty years, had been thrown out, and the loss of the question had been principally owing to the absence of Pulteney, and to the intimation that he was averse to it. With a view to contradict these reports, which he considered as injurious to his reputation, as if he was desirous of checking an enquiry, lord Limerick, at his request, made a second motion to appoint a secret committee of enquiry into the conduct of the earl of Orford, during the last ten years of his being first commissioner of the treasury, and chancellor and under treasurer of his majesty's exchequer.

"It will be unnecessary to enter into a detail of the arguments which were urged on both sides, as well on this as on the former occasion, in which the late minister was as vigorously attacked, ably defended, and in which his third son, Horace Walpole, testified his filial affection, by an animated and manly speech against the motion.

"It is sufficient to observe, that to accuse a minister of any specific acts of mal-administration, is the privilege of our well-regulated constitution, which no one but a friend to a despotic government, could wish to be removed; but to constitute a general enquiry into the conduct of a minister for so long a term as ten years, founded on popular clamours and vague suspicions, without particularizing any act of guilt, and especially for measures which had been legally sanctioned by parliament, seemed as unjust as it was unconstitutional. It required all the powers of Pulteney, who is said to have still preserved 'a miraculous influence in the House

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my last motion (See p. 448) for inquiring into the late conduct of our public affairs, it shall not discourage me from offering you another of the same nature; because, I think, our making some sort of enquiry during this session of parliament, absolutely necessary for quieting the minds of the people, and for restoring in some degree, the character and credit of our government. What sort of company some gentlemen may keep, I do not know; but to me who keep all sorts of company, the disappointment upon the former motion's being rejected, appeared evident in the face of every man, who had not reason, upon his own account, or the account of some of his friends, to dread the consequences of that enquiry. And whatever we may think within doors, it will be thought without, nay, it is now generally said, that if some people were not conscious of their own guilt, they would not so vigorously oppose an enquiry; for an innocent man, when he finds himself accused or suspected, will always desire to be brought to a fair and legal trial, that he may have an opportunity to vindicate his character against those whispers that are spread about against it. This, Sir, is the language now held without doors, and the certain consequence will be, that if we let this session pass over without any enquiry, it will be said, that a majority of us have been partakers in the guilt, and partners in the plunder of our country.

From hence, Sir, I must hope, that every innocent man in this House, (and now that one man is gone from amongst us, I hope, all of us are so,) will be for the question I am now to propose, because I have taken care to prevent its being liable to the two chief objections that seemed to prevail against my last motion. These were, its being too extensive as to time, and too extensive as to matter. An enquiry for twenty years back was thought to be without precedent, and that it would be such a precedent as might be of dangerous consequence in future times. This was one of the chief objections against it, and an objection which, I believe, had weight with some whose concurrence I hope to be favoured with in this motion. And the other objection was, its comprehending all our foreign as well as domestic affairs, which must of course have brought all the papers relating to our foreign negociations before our committee. To this it was objected, that it would endanger the discovery of some of the most important secrets of our government to our enemies, which might be of the most fatal consequence now that we are engaged in one war, and in great likelihood of being soon obliged to engage in another. This likewise seemed to have weight, and, I believe, prevailed with some gentlemen to be against my former motion; for which reason I shall now only move, "That a Committee be appointed to enquire into the Conduct of Robert earl of Orford, during the last Ten Years of his being First Commissioner of the Treasury, and Chancellor and Under-Treasurer of his Majesty's Exchequer."

Sir; I hope the time of enquiry proposed by this motion will not be thought too extensive; for considering the chief crime of a domestic nature, he has been accused of, our enquiry cannot, I think, be confined within narrower bounds. The crime I mean, is that of applying not only all the favours of the crown, but even the public money, towards gaining a corrupt influence at elections and in parliament. This he is generally accused of by the voice of the people without doors, and, I believe, there is not a gentleman in this House that has been chosen in opposition to what was called the court interest, who was not sensible of some such

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of Commons,' and all the eloquence of Pitt, who eminently distinguished himself in both these debates, to palliate or justify such a flagrant abuse of parliamentary interference; and it demanded all the accumulated weight of the Tories and disaffected Whigs, to carry it through the House, by a majority of only seven, 252 against 245.

"The motion having passed, a committee of secrecy, consisting of twenty-one members, was appointed, and empowered to examine, in the most solemn manner, such persons as they thought proper on the subject matter of their enquiry. Of the twenty-one members appointed by ballot, all except two were the uniform opponents of the late minister. The disaffected Whigs accused the Tories of having acted falsely in permitting the introduction of sir Henry Lydal and Talbot, with a view to perplex the business, while the Tories on their side accused Sandys of being rather a spy than an associate, and of rather embarrassing than forwarding the business. The earl of Orford, however, seems to have formed a more judicious opinion of this circumstance. For being congratulated that two of his friends were appointed members of the secret committee, he replied, 'They will become so zealous for the honour of the committee, that they will no longer pay sufficient regard to mine.'" Coxe's Memoirs of sir R. Walpole.

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practices being carried on against him, before and at the time of his election. Every gentleman must be sensible, that it is very difficult to fix such practices upon a minister, because they are not only carried on in an hidden manner, but by tools and under-agents, who do not appear at the election as agents for the minister, but as agents for the court candidate; and generally spend their money very freely, though it is often known, that neither they nor their candidate had ever any money of their own to spare. Nay, those agents are often known to be treasury-agents, though in the common course of justice it is impossible to prove that they are. It will even be difficult for a committee of this House, with all the powers we can give them, to trace this practice up to its original source; but, considering the general suspicion without doors, and the many strong reasons there are for believing that suspicion to be well grounded, we ought certainly to aim at it; and if we do, we cannot begin later than the time when canvassing may be supposed to have begun for the chusing of the last parliament, which I reckon, was about ten years ago; for as that parliament was chosen in the summer 1734, we must suppose that the candidates, especially where there was like to be an opposition, begun to take measures for securing their interest in the summer 1732, which will just come within the term of ten years, computing back from this time.

For this reason, I hope this will appear to be the shortest time I could move for; and as it is much shorter than the time proposed by my last motion, I hope I shall have the concurrence of many gentlemen who then appeared against me; especially as I have likewise in this taken care to obviate the other objection, of its being too extensive as to the matters proposed to be enquired into; for as this noble lord had by none of his offices any thing to do with foreign affairs, this motion cannot be said to relate to, or comprehend any affairs of that nature, unless it be supposed, that this minister directed every other branch of public business, as well as that of the treasury, which, I am sure, none of his friends will pretend to say, because this would be as great a crime as any he is accused of. This motion cannot therefore be supposed to relate to any foreign affair, and, consequently, an enquiry into this nobleman's conduct, cannot be supposed to endanger the discovery of any of the secrets of our government. Nay, if he, whilst he was in office, confined himself to the duty of his office, our enquiry, in pursuance of this motion, can comprehend but one branch even of our domestic affairs, and that branch too, which, of all others, has the least to do with our foreign affairs. An enquiry into the conduct of a secretary of state, a secretary at war, a commissioner of the admiralty, or even the lord high chancellor, might be said to have some relation to foreign affairs; but I cannot suggest to myself what a commissioner of the treasury can have to do with foreign affairs, or how an enquiry into his conduct can have the least relation to any foreign affair whatsoever; consequently, I hope, this motion will appear to be quite free from that objection which seemed to be urged with so much weight against my former; and as so much has in this session been said, upon former occasions, about the necessity of an immediate enquiry, I shall add no more, but move to resolve, That a Committee be appointed, as I have before mentioned.

Sir *J. St. Aubin* seconded the motion.

Mr. *Horatio Walpole**, jun. spoke to this effect:

Sir; whatever were the prevailing objections, or may be thought to have been the prevailing objections against the former motion, by some gentlemen, that of its being too extensive, either as to time or matter, was far from being the most prevailing with me. The objection which prevailed most with me against the last, and will equally prevail against this, was, that, I think, we have no cause for an enquiry, and, if we had, this is not a proper time for it. The suspicions that are entertained, and the clamours that are made without doors, are neither the suspicions nor the clamours of sensible and discerning men, nor of men of fortune and circumstances in our country, unless it be such as cover their disaffection to the royal family under the cloak of being discontented with the measures pursued by the administration. They are the suspicions and clamours either of Jacobites and republicans, or of the mere mob; and, I hope, I shall never see the measures or proceedings of this House directed by either of these sorts of men. If you were to be directed by Jacobites and republicans, you would not only enquire, but

* Youngest son of the Earl of Orford.

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hang up every man that dared to serve the royal family now upon our throne, that they might thereby, at last, get the royal family itself banished out of the kingdom; and, if you were to be directed by the mob, you would, for their diversion, and for no other cause, send some minister or other every other year to Tyburn or Tower-hill. Such an execution would be a holyday to all the children, apprentices, and journeymen about London; and if they are diverted, they trouble their heads very little at whose expence, or about the justice of the sentence.

The suspicions or the murmurs without doors are never to be a rule for our proceedings, unless we are fully convinced, that there is some very good ground for those suspicions and murmurs; and this, I think, cannot with reason be said by any gentleman at present. The only ground of complaint which the noble lord was pleased to hint at, was that of applying the public money, and all the favours of the crown, towards gaining a corrupt influence at elections and in parliament. Sir, with regard to the favours of crown, I do not see how any minister can be made to answer for their disposal, because they are directly disposed of by the king himself, who very often disposes of them without so much as asking the advice of the minister whose proper department they belong to; and therefore, if any fault could be supposed to have been committed in this respect, it would be a charge against the king himself; which, I hope, will be allowed to be a sort of a charge that cannot be brought by this House, or by either House of Parliament. Perhaps, those favours have been lately granted generally to those, or the friends of those, that approved his majesty's measures in parliament. Sir, it is very natural they should be so disposed of: they have always been so disposed of. His majesty, I am very sure, never proposes, much less pursues any measure but what he thinks right; therefore he must suppose those gentlemen to be the best friends to their country, who approve of and support his measures in parliament; and I hope it will not be imputed to him, or to any of his ministers as a crime, to bestow the favours of the crown upon those they think the best friends to their country. This, I hope, will answer for those favours of the crown that are bestowed upon members of parliament; and, if they have any favours in their gift, or can obtain any favours from the crown for other persons, they are, in gratitude, obliged to dispose of those favours among those who supported their interest at their election. This has always been the practice, it always will, it always ought to be the practice; because, as I have said, it is what gentlemen are in gratitude bound to do; and to be grateful will never, I hope, be deemed criminal.

If this, Sir, is to be called a corrupt influence, it is impossible for us to be without it, as long as the crown has any favours to bestow. It is what every gentleman practices, and ought to practice in his private capacity as well as in his public. If he has any favours to bestow, if he can procure any favours, as a good citizen he ought to bestow them upon, or procure them for those that, in his opinion, deserve best of their country, and if he pursues what he thinks the interest of his country, he must think those men deserve best of their country who approve of the measures he approves of, and support him in the pursuit of them. This may, indeed, be a corrupt influence, with regard to some of those upon whom the favours are bestowed: they may, perhaps, pretend to approve of, and may support their patron in the pursuit of measures which they do not in their hearts approve of; but, with regard to him, it is no corrupt influence, as long as he pursues those measures which he thinks will contribute most to the security and happiness of his country. In the person who bestows, the disposal of favours can never be supposed to be with a design to procure a corrupt influence; nor can it be imputed to him as a crime, unless he pursues such measures as he knows to be destructive to his country; and as this is a crime in the mind only, we can never discover it by an enquiry, nor can it be justly punished by any sublunary power; it can neither be detected nor punished by any thing but the hand of God.

With regard to the disposal of public money, it is easier, indeed, to discover a criminal practice. If that has been disposed of towards bribing votes, either in parliament or at elections, and without a pretence of any real and honest service performed to the public, it may be detected, and ought to be punished. But there are two very strong reasons for making us believe, that no such practice has lately been made use of. Such practices, as all criminal practices are, are generally carried on in a hidden manner; but to issue money from the treasury for this

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purpose, I think impossible to be done in a hidden manner. There are so many commissioners, and so many clerks attending that board, that such a practice could not long escape a discovery; and besides, there must be so many agents employed to carry this money to the country; and to distribute it in a proper manner, that no man of common sense would trust to the secret being kept. Some one of those to whom it must be communicated, would certainly, either out of regard to his country, or in expectation of a reward, or from some disappointment, become an informer, and a direct evidence against the high criminal. As no such thing has happened: as the noble lord does not so much as pretend that he has any such information or evidence, I must suppose, that no such crime has been lately committed. Even if there were a general rumour among men of sense and discretion without doors, that such a crime had been frequently committed, I should look upon it as a mere groundless rumour, unless some gentleman of character could say, he had direct evidence to produce.

Another argument, Sir, for my thinking the committing of this crime impossible, is the method introduced by the Revolution, of appropriating all parliamentary grants, and the regular accounts of the disposal of all public monies that have been of late years laid annually before the parliament. These grants are generally so far from having any excess or surplus, that they are often insufficient for answering the services to which they are appropriated by parliament; and if ever any surplus has arisen, it has always been accounted for, and has been applied by the next succeeding session to the service of the ensuing year. From hence, I think it impossible to suppose, that any one of the commissioners of the treasury, or all of them together, if they were confederates in the crime, could have the command of any public money, which they might apply towards carrying on the practice complained of. I say, Sir, they could have the command of no public money, which they could apply to this purpose, unless they took it from the civil list revenue; and if we consider the many checks the disposal of that revenue is liable to, and the great care his majesty takes of that part of it which is drawn out by special warrant, we cannot suppose that they could apply any part of that revenue to the carrying on of such a practice, especially such large sums as would be necessary for carrying it on with effect, without supposing, which God forbid any one should suppose, that his majesty himself was a *socius criminis*.

For these reasons, Sir, I cannot suppose we have the least cause or reason for setting up such an enquiry as is proposed by this motion; and with all due regard to this House, I must say, that if an enquiry were set up, as I hope there never will, without any apparent cause whatever, I should very much suspect, that it proceeded from malice and resentment, in which case I should very little expect, that the person whose conduct was by such means to be enquired into, should meet with any candour or fair treatment. If I judge more favourably of the cause and character of the noble lord, whose conduct is so particularly proposed to be enquired into, than other gentleman do, I hope the connection I have with him, the natural duty I owe him, will plead my excuse. If I thought his character suffered among the valuable and discerning part of mankind, and such as are true friends to our happy constitution, and the royal family now upon our throne, as I am fully convinced of his innocence, the same duty that now prompts me to be the first to oppose an enquiry into his conduct, would, in that case, prompt me to be the first to propose it, as soon as a proper time presented for that purpose, which I cannot think the present is.

When the nation, Sir, is in so much danger, when our best and most natural ally upon the continent is in the most imminent danger of being destroyed, or so much reduced as never for the future to be able to do us any service; when we ought to employ all our time in consulting and taking proper measures for extricating ourselves and our allies from the danger that now threaten all of us; would it be proper, would it be prudent for us to take up our time with enquiring into the little frauds that may have been committed in the management of our public revenue, supposing we were certain that some such had been committed? It would give the courts abroad such a mean opinion of our prudence, or such a suspicion of our zeal for the present relief of Europe, that none of them would treat with us or enter into any concert or negociation with our sovereign.

For this reason, Sir, if the case were such as I have just mentioned: if from



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thence I thought myself bound in duty and affection to the best of parents, as well as out of regard to myself, to promote an enquiry, in order to vindicate a character in which I glory, and from which I hope to reap honour as long as I live, I should at the present crisis, and till I saw my country out of danger, suspend my aiming at that satisfaction. An enquiry into any minister's conduct always has, and always will increase the violence of those animosities, which must reign amongst us as long as we are a free people; for let a minister be never so innocent, let the enquiry be never so strict and impartial, let his justification be as clear as the sun, there will remain some cloudy minds where no truth can penetrate, and the animosity of such will receive fresh vigour from their disappointment. On the other hand, let a minister be never so guilty, let his sentence be never so moderate, there will be some, perhaps many, whose friendship will obstruct the rays of truth: they will think he has met with injustice, and their revenge will add violence to their animosity. Is this a proper time to create such a dispute or division? Our enemies abroad would certainly offer assistance to the offended party at home, and their disappointment or revenge might smother those yearnings which would otherwise arise in favour of the peace and safety of their country.

Thus, Sir, as I think we have at present no cause, and as I think, this would be a very improper time for setting up any enquiry into the late conduct of our public affairs: as these were the two chief arguments that prevailed with me to be against the last motion for an enquiry; and as both these militate as strongly against the enquiry now proposed, I must give my negative to the noble lord's motion.

The Hon. *Edward Digby:*

Sir; I believe every man present in this House, will readily excuse the young gentleman who first opposed this motion, for giving his negative to the question. I believe no one expects his approbation of such a question; because, I am convinced, he thinks the noble lord, whose conduct is now proposed to be enquired into, was never guilty of any crime, nor suspected to be so by any gentleman of fortune and character in this kingdom. He may, perhaps, have now and then heard a huzza upon an unlucky occasion among the mob in the streets; but surely no gentleman would be so unpolite, except in this place, where we are in honour obliged to speak our minds freely, as to insinuate to the son the least suspision, that his father had plundered his country, misapplied the public money, and formed a scheme for overturning the happy constitution. I should not have been so personal, Sir, if I had not thought it absolutely necessary to say what was proper for preventing the hon. gentleman's strong assertions from having any weight in this House. He may believe what he asserts to be true: I am persuaded he does; but he cannot be supposed to know the fact, therefore his assertion can have no authority; and, I believe there are many gentlemen in this House, who are in the same circumstances with him.

But, Sir, I would have that gentleman, and every other gentleman, to take care what they say, when they insinuate, that no gentleman of sense and fortune, unless he be a Jacobite or republican, has the least suspicion of the noble lord's conduct now under our consideration. Have not they, upon former occasions, heard many gentlemen in this House, not only declare their having suspicions, but give, what I thought, incontestable reasons for shewing, that those suspicions are well grounded? I believe, none of those gentlemen will be directly charged with being a man of no fortune or character, or with being a Jacobite or republican; and they have, upon all occasions, shewn themselves to be men of as good sense as those who assert the contrary. It would be unlucky for his majesty, and his family, as well as for our present happy constitution, if all were Jacobites or republicans that suspect our late minister's conduct: his majesty would find many of them, perhaps a majority, both in his army, and among his servants, who, though they dissemble their sentiments at present, would certainly declare themselves openly, and take measures accordingly, upon the first favourable opportunity. Those who have a true regard for the security of his majesty's government, will be extremely cautious of propagating such accusations. It was the custom of king Charles the first's court, in the beginning of his reign, to tax all those who opposed their arbitrary measures with being Puritans: What was the consequence? Most of those men actually became so, and thereby made the puritans such a powerful party in the kingdom, as at last pulled down that unfortunnate king from the throne he sat on, and, 'de fond

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en comble,' overturned the constitution of our government.

As there are certainly great complaints without doors, of misapplication and corruption: as this fact is proved by the testimony of many gentlemen in the House, who have no places, pensions, or preferments to bestow, and, consequently, are better judges than those that have; if I were a placeman and a friend to our late minister, as all, I think, of his friends are, though, from the complaisance, or, perhaps, dissimulation of those I conversed with, I had never heard of there being any such complaints without doors, yet from the testimony of so many gentlemen who are the best judges of the people's sentiments, I should certainly believe the fact, and as a friend to the minister, or to my country, should join in this motion, in order to vindicate my friend if innocent, or expose him to the justice of the nation if guilty.

That all the titles, honours, pensions, places and other favours of the crown have for twenty years past been disposed of to none but such as voted in parliament, or at elections, according to the direction of the minister: that within these ten years several persons of high rank and great merit have been dismissed from all the offices they held at the pleasure of the crown, for no other known or assignable reason, but because they opposed the minister in parliament: that officers in the army and navy who got themselves seats in this House, and voted as they were bid, have gained preferments out of their rank, to the disappointment of officers of longer service and greater merit in their military capacity: these things are known to all men, both within doors and without; and are of themselves a strong presumption, if not a certain proof, that our minister had a formed design to overthrow our constitution, by establishing a corrupt influence in parliament.

To tell us, that the king disposes of his favours himself, often without the advice of the minister, whose department they properly belong to, can be of no weight in this House. By our constitution the king can do no wrong; but every minister is answerable to parliament, if the king by his advice, does any thing that is wrong. As soon as he discovers such illegal practices, he ought to advise the king against it, and if he finds his master will not take his advice, he ought directly to throw up his employment, and impeach the minister who has given such wicked advice to his sovereign.

Sir, it is a new doctrine in this nation, and absolutely inconsistent with our constitution, to tell us, that his majesty may, and ought, in the disposal of offices or favours, to consider gentlemens' behaviour in this House. Let his majesty be never so well convinced of the wisdom and uprightness of his measures, he ought not to take the least notice of what is said or done by any particular man in this House. He is a traitor to our constitution that advises his majesty to do so; and I am sorry the expression fell from the hon. gentleman, because it will be supposed that he is conscious, or has heard of something of this nature being done. If reports are carried to his majesty, with regard to the behaviour of any particular gentleman in this House, or at an election, he ought to do with them as it is said king William did with the papers of a plot he had discovered. By perusing one of them, he found reason to suspect some of his courtiers had been concerned: whereupon he threw them all into the flames, that they might not furnish him with suspicions against those he took to be his friends. The same monarch shewed another instance of his generosity, and of his regard for our constitution: a post in the army having fallen vacant, the gentleman who had the next right to it, happened to be a member of this House, and one that had opposed the court, which few officers do now a-days: the ministers, as usual, were against his preferment, because he had opposed the king's measures in parliament; but the king told them, the gentleman had always behaved well as an officer, and he had nothing to do with his behaviour in parliament; so gave him the commission he had by his rank a right to. This was acting like the king of a free people, and it might be expected from him, because he was brought up in a country where the people had some rights and privileges to pretend to. Every sovereign of these kingdoms ought to act in the same manner, he must act so as long as we have an independent parliament, otherwise he will get no ministers to serve him, if they have a regard to their own safety: for though by our constitution our king can do no wrong, and therefore we cannot call him to an account, yet every minister is answerable for the king's behaviour as well as his own, in the business belonging to his particular department, and, consequently,

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is for his own safety obliged to throw up, if the king does any thing by himself, and without or against his advice, which seems to be inconsistent with our constitution.

Suppose, Sir, a minister thinks the measures right, and for the benefit of the nation: suppose they really are so; yet he may be guilty of corrupt practices in procuring the approbation of parliament. If he threatens a member with the loss of his place, or with a denial in any reasonable suit he is to make to the crown, as a consequence of his opposing that measure, or what are called the king's measures in parliament: if by his conduct he shews, that this will be the consequence of opposing any court candidate at elections, or any court measure in parliament, he is guilty of corrupt practices: and therefore this crime is not so much a crime of the mind as the hon. gentleman imagines; for I do not know of our having ever admitted in this kingdom the jesuitical maxim, that the end justifies the means. But suppose this crime to be merely a crime of the mind, do not our common law courts often try and punish such crimes? Murder is a malicious killing: malice is a crime that consists in the mind only; because killing may in itself be an innocent, even a meritorious action, as in the case of self-defence, or killing a highwayman or pirate; yet our common-law courts often try, convict, and punish men for murder; and cannot the high court of parliament do what is every day done by a common judge and jury?

Sir, if the young gentleman had been long in parliament, he would not have laid so much stress upon parliamentary appropriations, or accounts delivered into parliament, as he seems to do. Every one who knows how superficially our estimates and accounts have been looked into by parliament for many years past, must know, that they can be no restraint, or but a very slender one, upon a minister's conduct. A future service may be over-rated in the estimate, a past service may be overcharged in the account, without its being taken the least notice of by parliament; and therefore a minister may purloin considerable sums from what is appropriated to, and supposed to have been faithfully laid out in the public service, and apply them towards his own use, or, what is worse, towards corrupting the voters at elections or in parliament. The Hessian troops furnished us with an example of the possibility of this practice: a certain sum was every year appropriated by parliament for that purpose, and accounts delivered in as if it had been annually applied wholly to that purpose; but, by accident, it afterwards appeared, that a part of that money had been applied to another use, I mean the deficiency of the French subsidy to Denmark, which they had engaged to pay in consequence of the treaty of Hanover, and which we were so generous as to make good, though they were certainly more concerned in interest in the consequences of that treaty than Great Britain was, whatever the electorate of Hanover might be *.

This shews, that the public money may be applied to other uses than those to which it is appropriated, when the minister has a majority of this House at his beck; for though this discovery was made by accident, it did not occasion so much as a motion for an enquiry into the disposal of the public treasure, nor would any such motion have now been made, I believe, if the minister's majority had been as certain in this parliament as it was in the two last; because gentlemen have been quite tired out with making motions for the benefit of their country, against a determined majority in parliament. This, Sir, likewise shews, that the multitude of commissioners and officers in the Treasury, notwithstanding there being too great a number of both, can no way endanger the discovery of any such misapplication, especially when the first commissioner there has the direction of the secretary's office, and every other office in the kingdom. The other commissioners, and the officers, either do not really know how the money issued by them is applied, or else they will never make a discovery, as long as they know that their first commissioner continues to be the chief favourite of the crown. This has been the touch-stone of such discoveries for many years past, and always will be so, till we have a parliament independent and resolute enough, to pull a suspected minister even from behind the throne itself.

Then, Sir, with regard to the civil list revenue, considering how much of it may be drawn out by his majesty's warrant, and that the auditors are obliged to admit of such warrants as sufficient vouchers, I am surprised to hear it said, that a great

* For the Debates relating to the maintaining Hessian Troops in British pay, see Vol. 8, pp. 826, 841.



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part of it may not be applied towards overturning our constitution by corrupt practices, instead of being applied, as it ought, towards supporting the honour and dignity of the crown. Considering the many pretences of legal secret-service money that may be made by ministers, the most circumspect sovereign may be imposed on; and therefore in parliament it is no derogation to the character of the king to treat his warrants to the Treasury as we treat his speeches to the parliament. Though the auditors of the Exchequer are obliged, as they ought to be, to admit his majesty's warrants as sufficient vouchers; yet in this House we ought to look upon them as the warrants of his ministers, and consequently ought to admit of them no farther than they appear reasonable. But what is of much greater force in the present question, and I am glad the hon. gentleman furnished me with an opportunity to mention it, is this, it is generally reported without doors, that his majesty's civil list revenue is greatly in debt, that many of his servants and tradesmen, who ought to be paid quarterly at least, are above a twelvemonth in arrear: I have no legal authority for saying so, and every one may guess at the reason why I have not; but I can affirm, and, I believe, most gentlemen in this House know, that there is such a report: as this concerns the honour and dignity of the crown, this report alone obliges us to enquire into it, if we have a mind to act up to our character as the grand inquest of the nation. Even a common inquest does not wait till informers come to them: if they have the least intelligence of any nuisance or public crime, they send for such persons as they think can give information: they examine them in the most solemn manner, and if from thence the intelligence they had, appears true or probable, they make a presentment, in order for a prosecution. This enquiry, even when it goes the length of a presentment, is no prosecution: the persons accused have still an opportunity to justify themselves; and so they would have in case of a parliamentary enquiry, and even a report against them, which should make all gentlemen the more ready to enter into such enquiry; because frequent enquiries of this kind, would take away all hopes of concealment, and no man could suffer without having an opportunity to justify himself, if innocent.

I hope it will now appear, that from the general report without doors, and from the probability as well as possibility of the fact, we have great reason to suspect, that the minister, whose conduct is now proposed to be enquired into, has, for several years, been carrying on a design to overturn our happy constitution, by illegally applying all the favours of the crown, and some part of the public money, towards gaining a corrupt influence in parliament and at elections. If this does not furnish us with a sufficient cause for setting up a parliamentary enquiry into his conduct, nothing ever did, nothing ever can; and as to the present time's being proper for that purpose, I am surprised to hear our present foreign danger pleaded as a pretence for delaying that enquiry, when it is really the strongest reason for entering upon it directly. Without such an enquiry our government can recover no confidence with our people at home, nor consequently among our ancient allies abroad; the recovery of which is absolutely necessary for enabling us to form such a confederacy as may obviate our foreign danger. But, say gentlemen, if you enter into such an enquiry, you will have no time to consider, and take proper measures with regard to foreign affairs. Sir, in this House, we have nothing to do with the direction of foreign affairs, except when we have such ministers as have, by their former conduct, shewn they ought not to be trusted, which cannot be the case of our new ministers: on the other hand, those to whom his majesty intrusts the direction of our foreign affairs, have nothing or very little to do with the enquiries of this House, unless they are resolved to screen the guilty, which, I am sure, none of them will pretend to, or at least openly avow; therefore, these two affairs can neither interfere nor interrupt one another; and, I believe, the supplies necessary for carrying into execution the foreign measures his majesty may resolve on, will be more readily agreed to in this House, and more cheerfully advanced by the people, if it be found, that we are in earnest, and resolved to go through with an enquiry: whereas, the granting of them will otherwise meet with great obstructions in this House, and the raising of them with great grumblings among the people; so that if we have a mind to save time with regard to our foreign affairs, we ought to enter into the enquiry now proposed, because, in every other respect, it will make the public business go on without interruption, either within doors or without.

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Thus, Sir, every argument that has been advanced against the motion now before you, appears, upon due consideration, to be an argument in its favour. This is my opinion: I hope, I have shewn sufficient ground for it, and therefore, I shall most heartily concur with the noble lord in his motion.

Mr. *Coke:*

Sir; as I never had any share in the conduct of our public affairs, it cannot be supposed, that I have any reason, upon my own account, for opposing an enquiry; and as I have but lately come into the world, and cannot pretend to be much acquainted with the nature of state affairs, it is with great diffidence I offer to give my opinion in a question of such importance; especially when I see so many gentlemen, whose judgment and candour I am so well convinced of, declare against the opinion I am to give. If I thought there was at present any just cause for an enquiry of any kind, and that the present is a proper time for it, I am sure no gentleman could more heartily concur in this motion than I should; but after all that has been said in this, and former debates upon the same subject, I must freely declare, that, in my opinion, we have no just cause for an enquiry of any kind; and, I think, an enquiry at this critical time could be attended with no benefit, and might be the cause of inevitable ruin to our country.

The suspicions, murmurs, or complaints without doors, and the sort of people among whom they prevail, are general facts which can admit of no evidence. We might as well pretend to prove, that the majority of the people are of a brown or a fair complexion. Such facts must depend upon every particular gentleman's own judgment and knowledge, and can never be urged with any weight by one gentleman for convincing another; therefore I cannot think, that these of the people without doors, can ever properly be made use of in this House as an argument for an enquiry. We ought upon all occasions to enter into the reason of things: if the conduct of our public affairs has been wrong, no matter whether it is complained of or no, we ought to enquire into it even though it had been, and was still approved of by the generality of people without doors. The measures of the last administration of queen Anne were very generally approved of by the people, at least by those we commonly call the mob: they continued to be so even after his late majesty's accession; yet, nevertheless, the parliament not only enquired into those measures, but impeached or attainted most of the chief ministers. On the other hand, if we think the measures have been right in the main, we ought not to trouble ourselves, or disturb the nation, with an enquiry, notwithstanding any clamours that may have been raised against them; and therefore, when an enquiry is moved for, we ought never to consider what is said or suspected without doors, but what appears to us within.

Gentlemen tell us, they suspect, that for several years past all the favours of the crown, and large sums of public money, have been applied, towards gaining a corrupt influence in parliament and at elections; but they have offered no proof nor any one fact as a foundation for this suspicion, except that of his majesty's displacing two or three officers in his army; and even in this case, they do not positively assert, that those officers were displaced for opposing the king's measures in parliament, or that this was ever given as a reason either by the king or by any of his ministers. Sir, would you take from the crown the power of preferring or cashiering officers in the army? If you do, I am sure, you will soon have neither obedience nor discipline in your army. Nay, some general officer of great credit in the army might very probably, in a short time, set up a military government. I cannot therefore think, that gentlemen design to take from the crown the absolute power of preferring or cashiering the officers of our army, and yet this would be the certain consequence of making such a fact as this the foundation of a parliamentary enquiry into the conduct of any minister.

I must therefore think, that, whatever gentlemen may in this case suspect, their suspicion is without foundation; and with regard to the disposal of public money, it is still more groundless; for here they have not mentioned so much as one fact, no, nor the least particular circumstance, whereon such a suspicion as they pretend to have, can be founded; and from the nature of things it is, in my opinion, evident, that no such thing can be practised. The law passed but a few years ago, for preventing bribery and corruption * at

* For the Debate on this Bill, which was passed by a majority of two voices only, see Vol. 8, p. 754.

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elections, has rendered this practice absolutely impossible, or at least so dangerous, that no minister in his senses will attempt it. By that law, every elector, at every election, is to swear, that he has not received by himself or by any person in trust for him, directly or indirectly, any sum or sums of money, office, place, or employment, gift or reward, or any promise or security for any such, in order to give his vote at that election; and if he swears falsly, he thereby incurs the pains and penalties inflicted by law in cases of wilful and corrupt perjury. By another clause in the same act, every elector who shall receive or take any money or other reward, by way of gift, loan, or other device, or agree or contract for any money, gift, office, employment, or other reward whatsoever, to give his vote, or to forbear giving his vote at any election; or if any person by himself, or any person employed by him, shall by any gift or reward, or by any promise, agreement or security for any gift or reward, corrupt, or procure any person to give his vote, or to forbear to give his vote at any election; the offender, that is to say, the corruptor as well as the corrupted, shall for every offence forfeit 500*l.* besides being for ever after disabled to hold any office or franchise. And by a third clause, any offender against that act, who shall, within twelve months, discover and convict any other offender, is himself indemnified and discharged from all penalties and disabilities incurred by his offence against that act.

This, Sir, is the substance of that act: I have not troubled you with having it read, because of its having been so lately passed; but as gentlemen seem, in these our days, to be full of suspicions, if any one suspects that I have not recited faithfully, he may have the act itself read at your table; and from this act I must desire gentlemen to consider, what a condition a minister would be in, that should attempt to convert the public money, or even the offices or employments in the disposal of the crown, towards gaining a corrupt influence at most of our elections. He must for this purpose employ a great number of agents and under agents, and all of them must be persons of low rank and mean condition; for considering the penalties, no man of character or fortune would be employed. Thus he must perpetually lie at the mercy of scoundrels, who might obtain an indemnity for themselves, and very probably a high reward, by informing against him. Is this a condition any minister of common sense would chuse to be in? Would it be possible for him to carry on such a practice for any number of years, without so much as one information against him or any of his agents?

Now, Sir, if the suspicions, upon which, and upon which alone, this motion is founded, are themselves without any foundation, must we not agree, that the motion itself has no real foundation? And, consequently, that we have no just cause for any such enquiry as is now proposed? For as to the civil list being under suspicion of debt, we have no call to enquire into that affair till an application be made to us for supplying the deficiency. Contingencies may run the civil list revenue behind hand, but if his majesty is so good as to resolve to make up the deficiency by a future saving, I must think, we have nothing to do with it; and if we should enquire into it, I think, his majesty would be in the right to insist upon our making the deficiency good, in order to make us pay for our officiousness.

But suppose we had good reason to suspect misconduct or misdemeanors in the late management of our public affairs, the present would be a very improper time to enquire into them, because it is impossible to enquire into the conduct of any minister of state, without discovering secrets which our enemies might make great use of against us. Even the noble lord whose conduct is now proposed to be enquired into, as one of his majesty's privy council, must have had some hand at least in advising most, if not all our foreign measures, so that such a general enquiry into his conduct, as is now proposed, would lead us of course into an enquiry into all our late public measures both foreign and domestic. And moreover, by the very nature of the office he was in, he must have had the issuing of all sums applied to secret service, consequently an enquiry into his conduct would necessarily lead us into an enquiry what sums were issued for that purpose, when they were issued, and how they were applied; which would certainly discover many of the secrets of our government, and such as it might be of great importance to our enemies to know. For this reason, Sir, I must be against a general enquiry into the conduct of this or any other minister of state, at a time when we are engaged in one dangerous war, and upon the verge, perhaps, of engaging in another.

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To these reasons I must add, Sir, that, whatever other gentlemen may think of the time proposed by this motion to be enquired into, I must think, it would be very hard to bring a minister to a general account for so many years past, especially considering the many large sums that must have passed through his hands in that time. As estimates and accounts of all public monies were regularly delivered into parliament, and those estimates and accounts as regularly approved of by parliament, he had reason to look upon that approbation as an annual discharge; and that therefore he had no occasion to be very exact and careful in preserving the vouchers, or in making memorandums of the uses to which those large sums were respectively applied; consequently we must suppose, that many of the vouchers are now lost, and that he has forgot many public transactions which required a large expence. For this reason, I must join with an hon. gentleman who spoke against the last motion of this nature we had before us, in thinking, that it would be as unjust to call this minister to a general account for ten years back, as it would be to make a steward come to a new account, notwithstanding his having settled his accounts yearly, and delivered up his vouchers. This, I think, would in private life be both unjust and oppressive, and as I think it would be equally so with regard to a minister, therefore I cannot agree to the motion.

Mr. *William Pitt:*

Sir; as the hon. gentleman, who spoke lately against this motion, has not been long in this House, one ought in charity to believe, there is some sincerity in the professions he makes, of his being ready to agree to a parliamentary enquiry, when he sees cause and a convenient time for it; but if he knew how often those professions have been made by those who, upon all occasions, have opposed every kind of enquiry, he would save himself the trouble of making any such, because they are believed to be sincere by very few, within doors or without. He may, it is true, have no occasion, upon his own account, to be afraid of an enquiry of any sort; but when a gentleman has contracted a friendship, or any of his near relations have contracted a friendship for one who may be brought into danger by an enquiry, it is very natural to suppose, that such a gentleman's opposition to an enquiry does not proceed entirely from motives of a public nature; and if that gentleman follows the advice of some of his friends, I very much question, if he will ever see cause, or a convenient time, for an enquiry into the late conduct of our public affairs. As a parliamentary enquiry must always be founded upon suspicions, and not upon known facts, or manifest crimes, it will always be easy to find reasons or pretences for averring those suspicions to be groundless; and upon the principle that a parliamentary enquiry must necessarily lay open the secrets of our government, no time can ever be proper or convenient for such an enquiry; because it is impossible to suppose a time when our government can have no secrets of importance to the nation.

This, Sir, would be a most convenient doctrine for ministers, because it would put an end to all parliamentary enquiries into the conduct of our public affairs; and therefore, when I hear it urged, and so much insisted on by a certain set of gentlemen in this House, I must suppose their hopes to be very extensive: I must suppose them to expect, that they and their posterity will for ever continue to be ministers, which, if possible, would be more fatal to it than their having so long continued to be so. But this doctrine has been so often contradicted by experience, that I am surprised to hear gentlemen insist upon it. Even this very session has afforded us a convincing proof, how little foundation there is for saying, that a parliamentary enquiry must necessarily discover the secrets of our government. Surely, in a war with Spain, which must be carried on chiefly by sea, if our government have any secrets, the lords of the Admiralty must be entrusted with the most important of them; yet we have in this very session, and without any secret committee too, made an enquiry into the conduct of the lords commissioners of our Admiralty: we have not only enquired into their conduct, but we have censured it in such a manner, as has put an end to the same commissioners being any longer entrusted with the direction of that branch of the public business. Has that enquiry discovered any of the secrets of our government? On the contrary, the committee found they had no occasion to dive into any of the secrets of our government: they found cause enough for censure without it; and none of the commissioners pretended to justify their conduct by

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papers, containing secrets which ought not to be discovered.

This, Sir, is so late and so strong a proof of there being no necessary connection between a parliamentary enquiry and a discovery of secrets, which it behoves the nation to conceal, that I hope, gentlemen will no longer insist upon this danger as an argument against the enquiry now proposed, which, of all others, is the least liable to this objection. The first commissioner of the Treasury has nothing to do with the application of secret service money: he is only to take care, that it be regularly issued from his office, and that no more shall be issued upon that head, than according to the then conjuncture of affairs may seem to be necessary; as to the particular application, it properly belongs to the secretaries of state, or such other persons as his majesty shall employ; so that we cannot suppose, the enquiry proposed will discover any secrets relating to the application of that money, unless the noble lord has acted as secretary of state, as well as first commissioner of the Treasury, or unless a great part of the money, drawn out for secret services, has been delivered to himself, or to persons employed by him, and applied by him or them towards gaining a corrupt influence in parliament, and at elections. Both these, indeed, he is most grievously suspected of, and both are secrets which it very much behoves him to have concealed, but it equally behoves the nation to have them both revealed. His country and he are, I shall grant, in this cause, equally, though oppositely, concerned; for the safety or ruin of one or the other depends upon the fate of the question; and, in my opinion, the violent opposition made to this motion, adds great strength to the suspicion.

I shall admit, Sir, that the noble lord, whose conduct is now proposed to be enquired into, was one of his majesty's most hon. privy council, and that consequently he must have had a share at least in advising all the measures we have pursued both abroad and at home; but I cannot admit, that therefore, an enquiry into his conduct must necessarily occasion a discovery of any secrets that may be of dangerous consequence to the nation; because we are not to enquire into the measures themselves, or into the wisdom or uprightness of them, and consequently, can have no call to look into any of the government's secrets relating to them. This has nothing to do with an enquiry into his conduct; but there are several suspicions spread abroad relating to his conduct as a privy counsellor, which, if true, would be of the last importance to the nation to have discovered. It has been strongly asserted, that he was not only a privy counsellor, but had usurped the whole and sole direction of his majesty's privy council: it has been asserted that he gave the Spanish court the first hint of the unjust claim they afterwards set up against our South-Sea Company, which was one of the chief causes of the war between the two nations: and it has been asserted, that this very minister has given advice to the French, what measures to take upon several occasions, in order to bring our court into their measures: particularly, that he advised them to send the numerous army they have this last summer sent into Westphalia. What truth there is in these assertions, I shall not pretend to answer: the facts are of such a nature, and they must have been perpetrated with so much caution and secrecy, that it will be difficult to bring them to light, even by a parliamentary enquiry; but the very suspicion is ground enough for setting up such an enquiry, and for carrying it on with the utmost strictness and vigour; which leads me to consider the cause we now have for an enquiry.

Upon this subject, Sir, I must say, I am a good deal surprised to hear the representatives of the people make so light of the sentiments or suspicions of the people. That there are suspicions and complaints among the people, and among the generality of the best sort of people is, it is true, a fact we cannot easily prove against one that denies it; no more than we could do, that the generality of our people are of a fair or a brown complexion; but if I should say that the majority of our people are whites, I could not prove what I asserted, and yet I should look upon him as a very whimsical, or a very disingenuous gentleman, that would deny it, and assert that the majority of our people were blackamores. Such facts it is impossible to prove any other way but by the opinion of those who are the best judges; and surely a country-gentleman, who lives most part of his time among the people, and has no court favours to bestow, as a temptation for those he converses with to disguise their sentiments, is a better judge than one who seldom stirs out of the purlieus of a court, and converses with none but such

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as expect places or preferments by his favour. Therefore, if we judge of this fact according to the only evidence that can be had, that is, according to the opinion of those who are the best judges, we must conclude, that the suspicions and complaints of the people were never more general than they are against the late conduct of our public affairs; and this, by me, shall always be deemed a sufficient cause for a parliamentary enquiry.

Whatever my opinion of past measures may be, I shall never be so vain, or so bigotted to my own opinion, as without any enquiry to determine against the majority of my countrymen. If I found the public measures generally condemned, let my private opinion of them be never so favourable, I should be for an enquiry, in order to convince the people of their error, or at least to furnish myself with the most authentic arguments for the opinion I have embraced. The desire of bringing other people into our sentiments is so natural to mankind, that I shall always suspect the candour of those who, in politics or religion, are against a free enquiry. Besides, Sir, when the complaints of the people are general against an administration, or against any particular minister, an enquiry is a duty we owe to our sovereign as well as the people. We meet here to communicate to our sovereign the sentiments of his people: we meet here to redress the grievances of the people. By performing our duty in these two respects we shall always be able to establish the throne of our sovereign in the hearts of his people, and to prevent the people's being led into insurrections or rebellions by misrepresentations or false surmises. When the people complain, they must be in the right or in the wrong. If they are in the right, we are in duty bound to enquire into the conduct of the ministers, and punish those who shall appear to have been the most guilty: if the people are in the wrong, we ought to enquire into the conduct of our ministers, in order to be able to convince the people, that they have been misled. We ought not therefore, in any question about an enquiry, to be governed by our own sentiments: we must be governed by the sentiments of our constituents, if we are resolved to perform our duty, either as true representatives of the people, or as faithful messengers to our sovereign. I will agree with the hon. gentleman, that if we are convinced, or suspect the public measures to be wrong, we ought to enquire into them, even though they are not much complained of by the people without doors: but I cannot agree with him in thinking, that notwithstanding the administration, or a minister's being complained of by the people in general without doors, we ought not to enquire into his conduct, unless we are ourselves convinced that his measures have been wrong. Without an enquiry we can no more determine this question, than a judge can declare a man innocent of any crime laid to his charge without a previous trial or inquisition. Common fame is a sufficient ground for an inquisition at common law, and, for the same reason, the general voice of the people of England ought always to be looked on as a sufficient ground for a parliamentary enquiry.

But, say gentlemen, what is this minister accused of? What crime is laid to his charge? For unless some misfortune can be said to have happened, or some crime to have been committed, no enquiry ought to be set on foot. Sir, the ill posture of our affairs both abroad and at home: the melancholy situation we are in: the distress we are now reduced to, is of itself a sufficient cause for an enquiry, even supposing he were accused of no particular crime or misconduct. The nation lies a bleeding, perhaps expiring: the balance of power has received a deadly blow: shall we acknowledge this to be the case, and shall we not enquire whether it has happened by mischance, or by the misconduct, or perhaps the malice prepense of our minister here at home? Before the treaty of Utrecht, it was the general opinion, that in a few years of peace, we should be able to pay off most of our debts: we have now been very near thirty years in profound peace, at least we have never been engaged in any war, but what we unnecessarily brought upon ourselves; and yet our debts are near as great as they were when that treaty was concluded. Is not this a misfortune, and shall we make no enquiry how this misfortune has happened?

I am surprised to hear it said, that no enquiry ought to be set on foot, unless some public crime be known to have been committed. The suspicion of any such crime's having been actually committed, has always been deemed a sufficient reason for setting up an enquiry. Is there not a suspicion, that the public money has been applied towards gaining a corrupt influence at elections? Is it not become a common expression, to say, the floodgates



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of the Treasury are opened against a general election? I shall desire no more than that every gentleman who is conscious of this having been done, either for them or against them, would give his vote in favour of this motion. Will any gentleman say, this is not a crime, when even private corruption has such high penalties inflicted upon it by express statute? A minister that commits this crime, and makes use of the public money for that purpose, adds thieving and breach of trust to the crime of corruption; and as the crime, when committed by him, is of much more dangerous consequence to our constitution than when committed by a private man, it becomes more properly the subject of a parliamentary enquiry, and ought to be more severely punished. The hon. gentleman may much more reasonably tell us, that Porteous was never murdered by the mob at Edinburgh, because no discovery of his murderers could ever yet be made, notwithstanding the high reward, as well as pardon offered, than to tell us, we cannot suppose that our minister ever, by himself or his agents, corrupted an election, because no information has as yet been brought against him; for nothing but a pardon upon convicting the offender has ever yet been offered in this case, and how could any informer expect such a pardon, much less a reward, when he knew that the very man against whom he was to inform, had not only the distribution of all public rewards, but the packing of a jury or parliament against him? Sir, whilst such a minister preserves the favour of the crown, and thereby the exercise of its power, we can never expect such an information: even malice itself can never provoke such an information; because, like all other sorts of impotent malice, it will rebound upon the heart that conceived it.

This shews the insignificancy of the act mentioned by the hon. gentleman, with regard to that sort of corruption which is properly called bribery; and with regard to the other sort of corruption, which consists in giving or taking away those posts, pensions, or preferments, which depend upon the arbitrary will of the crown, this act is still more insignificant; because it is not necessary, it would even be ridiculous in a minister to tell any man, that he gave or refused him a post, pension, or preferment, on account of his voting for or against any ministerial measure in parliament, or any ministerial candidate at an election. If he makes it his constant rule never to give a post, pension, or preferment, but to those who vote for his measures and his candidates, and makes a few examples of dismissing those who vote otherwise, it will have the same effect as when he declares it openly. Will any gentleman say, that this has not been the practice of the minister whose conduct is now proposed to be enquired into? Has he not declared in the face of this House, that he will continue to make this his practice? And will not this have the same effect, as if he went separately and distinctly to every particular man, and told him in express terms, Sir, if you vote for such a measure, or such a candidate, you shall have the first preferment in the gift of the crown; if you vote otherwise, you must not expect to keep what you have. Gentlemen may deny the sun shines at noon-day, but if they have any eyes, and do not wilfully shut them, or turn their back towards him, I am sure no man will believe they are ingenuous in what they say; and therefore, I must think, the hon. gentleman was in the right who endeavoured to justify this practice: it was more candid than to deny it; but as his arguments have already been fully answered, I shall add nothing upon that subject.

Gentlemen cry out, what! will you take from the crown the power of preferring or cashiering the officers of our army? No, Sir, this is neither the design, nor will it be the effect of our agreeing to this motion. The king has at present an absolute power of preferring or cashiering the officers of our army. It is a prerogative he may make use of for the benefit or safety of the public; but like other prerogatives, it may be made a wrong use of, and the minister is answerable to parliament when it is. When an officer is preferred or cashiered, upon the motives of his voting for or against any court measure or candidate, it is a wrong use of this prerogative, for which the minister is answerable. We may judge; we must judge from circumstances or outward appearances: from these we may condemn; and, I hope, we have still a power to punish any minister that shall dare advise the king to prefer or cashier upon such a motive. Whether this prerogative ought to remain as it is, without any limitation, is a question that has nothing to do in this debate; but I must observe, that the argument made use of for it, might with equal weight be

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made use of for giving our king an absolute power over every man's property; for a large property will always give the possessor a command over a great number of men, whom he may arm and discipline if he pleases; I know of no law for restraining it: I hope, there never will be any such; and I wish, our gentlemen of estates would make more use of this power than they do, because it would contribute towards keeping our domestic as well as our foreign enemies in awe. For my part, I think, a gentleman who has earned his commission by his services, (in his military capacity, I mean) or bought it with his money, has as much a property in it, as any man has in his estate, and ought to have it as well secured by the laws of his country: whilst it remains at the absolute will of the crown, he must be a slave to the minister, unless he has some other estate to depend on; and if the officers of our army long continue in that state of slavery in which they are at present, I am afraid, it will make slaves of us all.

The only method we have for preventing this fatal consequence, as the law now stands, is to make the best and most constant use of the power we have, as members of this House, to prevent any minister's daring to advise the king to make a bad use of this prerogative; and as there is such a strong suspicion, that this minister has done so, we ought certainly to inquire into it, not only for the sake of punishing him, if guilty, but as a terror to all future ministers.

This, Sir, may therefore be justly reckoned among the many other sufficient causes for the enquiry proposed; and the suspicion of the civil list's being greatly in debt is another; for if it is, it must either have been misapplied or profusely thrown away, which it is our duty both to prevent and punish. It is inconsistent with the honour of this nation to have our king stand indebted to his servants or tradesmen, who may be ruined by a delay of payment: the parliament has provided sufficiently for preventing this dishonour's being brought upon the nation; and if the provision we have made should be misapplied or lavished, we must supply the deficiency, we ought to do it, whether the king makes any application for that purpose or no; and the reason is very plain, because, as we ought first to inquire into the management of that revenue, and punish those who have occasioned the deficiency, they will certainly chuse to leave the creditors of the crown, and the honour of the nation in a state of suffering, rather than advise the king to make an application which will bring their conduct into question, and themselves, probably, to condign punishment. Beside this, Sir, there is at present another reason, still stronger for promoting an enquiry. As there is a great suspicion, that the public money has been applied towards corrupting voters at elections and in parliament, if the civil list be in debt, it gives reason to presume, that some part of this revenue has, under the pretence of secret service money, been applied to that wicked purpose.

I shall conclude, Sir, with a few remarks upon the last argument made use of against the enquiry proposed. It has been said, that the minister delivered in his accounts annually; that those accounts have been annually passed and approved of by parliament; and that therefore it would be unjust to call him now to a general account, because the vouchers may be now lost, or many expensive transactions have slipt out of his memory. It is true, Sir, estimates and accounts have been annually delivered in: the forms of proceeding made that necessary; but were any of those estimates or accounts ever properly enquired into? Were not all questions for that purpose rejected by the minister's friends in parliament? Has not the parliament always taken them upon trust, and passed them without examination? Can such a superficial passing, to call it no worse, be deemed a reason for not calling him to a new and general account? If the steward, to an infant's estate, should annually, for 20 years together, deliver in his accounts to the guardians; and if the guardians, through negligence, or for a share of the plunder, should annually pass his accounts without any examination, or at least without any objection, would that be a reason for saying, that it would be unjust in the infant to call his steward to an account when he came of age? Especially if that steward had built and furnished sumptuous palaces, and had, during the whole time, lived at a much greater expence than his visible income could afford, and yet, nevertheless had amassed great riches. The public, Sir, is always in a state of infancy; therefore no prescription can be pleaded against it, nor even a general release, if there appears the least cause to suspect that it was surreptitiously obtained: public vouchers ought always to remain upon record, nor ought there to



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be any public expence without a proper voucher; therefore, the case of the public is still stronger than that of any infant. Thus the hon. gentlemen, who made use of this objection, must see of how little avail it can be in the case now before us, and consequently, I hope, we shall have their concurrence in the question.

The debate being over, the question was put upon lord Limerick's Motion, which was carried in the affirmative; Ayes 252, Noes 245.

DEBATE IN THE COMMONS ON LORD LIMERICK'S MOTION FOR APPOINTING A COMMITTEE TO ENQUIRE INTO THE CONDUCT OF ROBERT EARL OF ORFORD DURING THE LAST TEN YEARS: *From the Gentleman's Magazine**.] March 23.

Lord *Limerick* rose and spoke to the following effect:

Sir; it is a maxim often repeated and generally received, that truth and justice will in time prevail, that the most artful falshoods will be at length detected, and the most powerful and successful criminals be at length exposed to punishment.

This principle, Sir, is so frequently verified, that it affords sufficient encouragement for a steady assertion of truth, and a vigorous prosecution of guilt, and ought to rouse us whenever we perceive ourselves to languish in the performance of our duty, and excite us after disappointments and defeats to new efforts and more vigorous measures.

The effects of perseverance and activity, which have been lately shown, may animate the hopeless, and awaken the indolent; they may prove, that nothing is impossible to industry labouring in the cause of virtue, and that honest endeavours are seldom frustrated, but because they are too soon relaxed. We have seen an opposition, in its beginning despised for its weakness, and formidable only for the truth of the principles upon which it was supported; we have seen it baffled, insulted and oppressed, yet every day gaining strength by slow degrees; we have seen the opponents at last by a steady adherence to the same maxims, and an unvaried attention to the public happiness, transfer their sentiments to the people, unite the nation in one cause, obtain a majority in this House, and force the man who in full confidence of resistless influence has so often defied them, to fly for shelter to the other.

But it is not sufficient, Sir, that the public enemy has retreated from among us, that he has ceased to superintend our debates, and dictate our decisions, he ought to be pursued before he recovers from his panic, before he has time to regain his influence, to marshal his dependents, and form measures for eluding or defeating justice; and therefore though my former motion was rejected, I do not despair of finding the House more favourable to that which I have now to offer, and hope, that those who considered an enquiry into the conduct of our foreign and domestic affairs for 20 years as unprecedented and dangerous, will have no objections against an enquiry into the Conduct of Robert earl of Orford, during the last ten years in which he was First Commissioner of the Treasury, and Chancellor and Under Treasurer of his majesty's Exchequer.

In the debate which the former motion produced, no man, however he might be suspected of fearing an enquiry, either disputed the right of the parliament to examine the conduct of those to whom the administration of affairs is entrusted by the crown, or denied, that there were occasions on which that right might be properly exerted. There is, therefore, no necessity of citing precedents to ascertain our authority, or of showing by citations from history, how often the interposition of parliament has crushed the ambition of aspiring oppressors, destroyed schemes of slavery in their birth, and snatched the nation from imminent destruction.

The only objection, Sir, which could in my opinion be reasonably supposed to influence this House to reject the late motion, arose from the multiplicity of the transactions which would have fallen under the consideration of the committee; the length of time which the examination of so many questions, many of them in themselves complicated and difficult, would require; the interruption which the public business might suffer by the curiosity which an enquiry so important would naturally produce; and the necessity of exposing to the committee those transactions which the interest of our country and the honour of our sovereign, required to be kept secret.

* This Debate was compiled for the Gentleman's Magazine by Dr. Johnson. It is unaccountably omitted in the printed Collection of the Doctor's Debates.

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I have, therefore, endeavoured to gain those on whom this objection may be supposed to have had any effect, by contracting both the term and the matter of our enquiry, which in the present motion is confined to half the time that was before proposed, and instead of comprehending all foreign and domestic affairs, regards only the conduct of a single person.

By agreeing to this motion, Sir, there will be no danger of betraying the secrets of our government, of disclosing private treaties, or schemes not yet ripened into execution. By enquiring into the conduct of an officer of the Treasury or Exchequer, we only examine into the application of our own money, and into the economy of the state, which may surely be done without informing the Spaniards of the designs which our admirals or generals have formed against them.

A misapplication of the money granted by parliament, is a crime by which no interest can be affected but our own; and therefore the detection of it can produce no resentment among foreign powers; but it is a crime of the most enormous kind, as its consequences are in the highest degree dangerous, as it tends to the overthrow of our privileges, and the destruction of our constitution; as it must propagate corruption among the people, and produce dependence and prostitution in parliament. It is a crime which cannot be committed without drawing after it a long train of wickedness, and filling the nation with debauchery, luxury, perjury, and faction.

All the histories of all the nations of the earth will inform us, that liberty can only be upheld by virtue, and that no people after their continence was corrupted with luxury and avarice, and their public spirit contracted by selfish inclinations, long continued to boast of freedom. How, indeed, can it be expected, that those who have been long accustomed to choose a present gratification in preference to the greatest distant good, and have learned to esteem their reputation or dignity for no other reason than as it may enable them to set their favour at a higher price, should retain their liberty any longer than till they can find some opportunity of gratifying by the sale of it their avarice or ambition, of sharing the wealth of oppression, and the pride of tyranny?

As he, therefore, who corrupts the people may be no less justly accused of endeavouring to enslave them, than the man may be charged with subverting a building who takes away the columns which support it; as this method of corruption is most dangerous, because it immediately tends to taint the legislature and enervate the constitution; and as it is scarcely doubted, but that it has been frequently practised during the late administration, I move, "That a Committee be appointed to enquire into the conduct of sir Robert Walpole, now Earl of Orford, during the last ten years."

Sir *John St. Aubin:*

Sir; I hope you will forgive me, if I think it my duty to rise up once more in behalf of the people, to second a proposition for enquiry, and I could wish, that former defeats had not made it necessary to point it in so particular a manner. But a general enquiry has been denied; we are now reduced to the necessity of confining it to one object; and if we fail in this, all the doors of enquiry will be shut against us. The Supplies indeed will be granted, but national grievances must go unredressed.

It is as little pleasing to me as to any gentleman in this House, to be engaged in a personal motion; but when I consider this noble earl as the suspected author of national calamity; when nothing is desired but a fair enquiry into his conduct, to manifest his innocence, or detect his guilt; when matters are arrived at this point, that there is an open contest between him and the people; when the laws of my country, the right of parliamentary enquiry, are to be suspended to cover his retreat; it is, I think, no longer a personal motion: it is a public question, in which perhaps the fate of our constitution is involved. If he was united to me by the closest ties of long intimacy and mutual affection, I would sacrifice my private friendship to public spirit, and to national justice.

But in every consideration of this kind, great terrors have been raised at the mention of a Secret Committee. It is called a most dangerous delegation; and to intimidate the assertors of justice it is represented so formidable, as to be able to controul that very body from which it derives its powers; and foreign examples are produced, no ways similar, under different constitutions, to support this allegation. It has been called a committee of accusation, trial and judgment.

But, Sir, it is a constitutional appoint-



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ment, always practised when high offenders are to be called to justice. The noble earl himself has been the great patron of such appointments. It is a committee of enquiry which is only to proceed no farther than the extent of their commission, revocable at your pleasure. It is only to collect and digest the materials of evidence, to produce facts supported by such evidence, facts afterwards to be canvassed, to undergo a strict examination in the House, before you will found upon them a vote of accusation.

You yourselves are but accusers, and your accusations must be carried to an higher assembly for trial and judgment. And it will not be an enquiry into slight facts, every little error of administration which human prudence could not prevent, where the party accused may be unable to recollect the articles of his defence; but into facts of an high and enormous nature; the loss of national honour, public grievances, premeditated schemes of corruption, to render the independent branches of our constitution subservient to a dictatorial power; a power unknown to our laws, and necessarily destructive to the liberties of the people; a power which must be restrained at this time by a strict and effectual enquiry, or, give me leave to say, it will be impracticable for any new administration to carry on this government with reputation and honour. They must have reputation, they must have confidence. Mankind are well inclined to trust them, nor do I fear but they will deserve confidence, and then they need not doubt of authority and support.

But first the nation must have this assurance, this earnest, that it is to be an administration of government, not a continuation of one and the same scheme of ministerial power; an administration founded upon the constitution, which I understand to be that wide, that extended basis upon which only it can stand secure. With this view it is, that the nation expects an enquiry, and surely no man will decline your enquiry, who does not fear your justice.

Mr. *Pitt*:

Sir; though I think this motion so evidently just in itself and so seasonable in the present situation of our affairs, that no explanation can illustrate it, nor any arguments enforce it; and though I think the chief questions that can arise sufficiently discussed in the debate which was produced by the motion for an Enquiry into the conduct of our affairs for Twenty Years, and which certainly cannot yet be forgotten by any whose memories are not regulated by their interest; yet I cannot forbear to rise up in its vindication.

I do not, indeed, rise with any hope of adding new strength to the arguments which this House has lately heard, nor should I think such an attempt very necessary, though I had an higher opinion of my own capacity, and by consequence greater hopes of succeeding in it; for I have always thought and frequently declared, that those who opposed that motion, and who have always defended the measures of which that was intended to promote an examination, are to be gained by other motives than arguments drawn from public considerations. I have from the most impartial examination of their tenets, and the most exact observation of their conduct, been induced to believe, that the happiness of their country, the security of liberty, the promotion of virtue, and the honour of the king, hold but the second place in their regard, and that their chief view is to preserve their salaries or to encrease them, to support that power by which themselves are supported, and to enlarge that revenue by which their own luxury and extravagance are supplied.

To reason with men like these, Sir, is a vexatious task; it is sufficiently difficult to persuade any man whose intellects have been studiously depraved, who has long employed all the arts of sophistry against himself, and endeavoured to believe, in opposition to evidence, what he has obliged himself to assert; but it is yet more difficult to prevail upon such a man to acknowledge his conviction, to recant a long series of absurdities and falshoods, and to confess by a change of conduct, that he has been hitherto acting either without consideration or upon motives which he dares not own. Men by continual struggles against truth deprave equally their morals and their reason, they become incapable of discovering right, and unwilling to practise it.

Yet it is not wholly useless to confute absurd assertions, or to censure wicked measures; for though it may with reason be feared, that there are some too far advanced in obstinacy to be recalled by the voice of truth and of justice; yet it may be easily concluded, that there are others who are led by the authority of great

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names, or deceived by false representations; that there are some yet undetermined in their opinion, and perhaps a few really desirous of doing justice and discovering truth, striving against the prejudices of education and the influence of example, and whose choice is perplexed and understanding darkened by the corruption of others rather than their own.

To these it will be always proper to show the true interest of their country in the strongest light, to disentangle the intricacies of state sophistry, and to explain the true principles of government, and the particular tendency of all those measures which are proposed, that they may be rescued from the snares of corruption, and confirmed in their fidelity to the public.

Even on those who have hardened themselves in opposition to their own consciences, by a long course of implicit approbation and unlimited submission, reason is not always without effect; for it is sometimes known, that shame remains where virtue is lost, that those who are content to purchase wealth and titles by the ruin of their country, are yet unwilling to give up for them their claim to penetration and discernment; there are men whom public hatred affects less sensibly than public contempt, and who would rather be convicted of a crime than charged with an absurdity.

These men have been sometimes obliged to abandon their cause in favour of their intellects; their master, accustomed to obedience, has sometimes ventured to task them too rigorously, he has condemned them to drudgery which could not be performed without exposing them to universal reproach, and laid burthens of absurdity upon them which common reason forced them to shake off.

There is yet another reason why the slaves of the ministry should be reasoned with, even when there is little hope of converting them. The nation has been long accustomed to distinguish between majority of numbers and superiority of argument, and to enquire, not whether any position has received the sanction of a plurality of voices, which in former parliaments was always foreknown, but by whom it was most warmly opposed, and how great a number dissented from it.

I hope, indeed, that I have at length lived to see the time in which parliament shall regain its ancient authority, when this House shall be considered as the true representative of the people, and when the laws shall be again observed rather from veneration than from fear: but to obtain this blessing, which surely is the chief end of government, and without which neither wealth nor plenty, nor success in war, nor the security of peace, can make a nation happy, it is necessary to enquire into the causes of our long continued calamities, and to discover from what sources that corruption proceeded which has for many years overflowed our country, to which the parliament and people equally gave way, and against which it was to no purpose that either remonstrances or complaints have been hitherto opposed.

It is universally known, that the chief care of the public treasure has been long committed to the man whose conduct it is now thought necessary to examine: this will not be denied even by those who make no scruple to call in question what every man in the nation knew, who had no private reasons to dissemble it, proclaimed, that he had assumed the authority of prime minister. It is well known, that money is the great instrument of corruption, and therefore it is reasonable to suspect that he who distributed the treasure of the nation, himself prescribed the conditions on which it was bestowed, and dictated those measures which it was his province to reward.

That he was, indeed, the principal conductor of this hateful traffic, that the purchase of votes was made by himself, and that the pensions or preferments which were enjoyed as the hire of wickedness depended on his favour, and were transferred by his nod, can hardly be doubted by those who have seen the universal submission which he has exacted from all the dependents of the court, or heard with what veneration his name has been whispered round a circle of his slaves, and with what zeal every man, who possessed a public employment, declared himself ready to promote his interest, and assist his designs.

It is therefore probable, that by an enquiry into his conduct, the whole system of corruption will be laid open, and that we shall be able to trace through all its concatenations that wickedness by which our country has been despoiled of its honours, and plundered of its wealth, that wickedness by which our arms have been disgraced, our commerce interrupted, and what is yet more dreadful, our morals depraved; that we shall detect bribery de-

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ascending through a long subordination of wretches combined against the public happiness, from the prime minister surrounded by peers and officers of state, to the excise-man dictating politics amidst a company of mechanics whom he debauches at the public expence, and lists in the service of his master with the taxes which he gathers.

I do not doubt but this examination will prove, that our foreign trade was only neglected, that the minister might have leisure to establish a new kind of commerce; and believe that when all the secrets of his correspondence are laid open, the trade of government will no longer require any great capacity, the price of every service will then be known, the rates of constant and of occasional compliance, the value of passive silence, and of a confident harangue, of seasonable absence, and of bold justification, will then be adjusted. Every man will for the future know how to rate his own importance, from a freeholder to a member of parliament, and will be able to tell how much his price is enhanced by any length of opposition, and how much he may claim for adding to the weight of his vote the zeal of a proselyte.

There is surely no price at which such discoveries as these ought not to be purchased; discoveries of equal importance to those who are desirous of sharing the plunder of their country, and those who desire to prevent it from being plundered; and to which I hope, therefore, since every member of this House must be comprehended in those two classes, that no opposition will be made.

What are the reasons for which I suspect corruption has been so industriously employed, so widely disseminated, and so accurately regulated, I suppose no man will think it necessary to enquire; at least I can expect no such question from any man who remembers the transactions of the last ten years, who knows, that every question was determined before it was discussed; and that the fate of every motion was known before it was proposed; that the greater part of those who possessed salaries or places avowed no other principles than that of supporting the minister; and that the least deviation from his sacred mandates was immediately punished with forfeitures and penalties, with a deprivation of all present employments, and an exclusion from all future hopes, without the strongest proofs of a disposition to constant compliance.

Such, Sir, has been the conduct by which parliament has for many years been made subservient to the exaltation of a single man, by which they whom the people chose as the guardians of their liberties, have been influenced to connive at measures by which slavery must in time be introduced. Those who were deputed to protect our privileges were incited to betray them, by the prospect of sharing themselves in the pleasures of tyranny; and those who were appointed to examine every demand upon the public, have been bribed to burthen us with exactions, by having their pensions encreased in proportion as they contrived to fill the Treasury by new taxes.

This at least has been long the opinion of every wise and honest man; and it is, therefore, time by a vigorous and diligent enquiry, either to punish or acquit him who has been so long suspected, or to set the nation free from a general delusion.

Sir *William Yonge*:

Sir; that little can be said in justification of this motion which was not urged in favour of the former is, I believe, true; since if any thing new could have been produced, it might be reasonably believed, that the same invectives would not have been so soon repeated, and that we should have heard arguments instead of declamations.

The gentleman who spoke last was pleased to assert, that this motion is both just and seasonable; and therefore such as ought to be complied with: but, surely, since he confesses, that it is a motion nearly of the same kind with that which was so lately rejected, he does not expect, that so much reverence should be paid to his opinion unsupported by evidence or reason, as that this House should now approve what a few days ago they thought improper, unless some new arguments are produced to change their sentiments; and therefore he ought not to have contented himself with asserting what was principally to be proved.

If the arguments which were used on the former occasion are of equal force in favour of this motion, it may with reason be imagined, that the arguments by which the defenders of the late motion were defeated, may be again used against them, and may perhaps now produce the same effect.

That this motion, Sir, is either so just or seasonable as it has been represented, I

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hope I may be allowed to doubt, without incurring the censure which has been so generally bestowed upon all those who have hitherto approved the measures of the government, and endeavoured to show, that liberty is consistent with allegiance, and that to preserve the happiness of the people, it is not always necessary to obstruct the designs of the court.

It has never yet been thought a proof of the goodness of a cause, that slander and reproach have been made use of to support it. It has generally been imagined, that truth is able to stand without the assistance of artifice, and reason desires only to be heard without prejudice or passion; and consequently those who condemn the principles of their adversaries before they examine their actions, and who endeavour to captivate the public with loud boasts of their own integrity, and pathetical declarations of their contempt of money, of their zeal for the public happiness, and their resolution to adhere to the interest of the nation in the midst of discouragements and temptations, have by the wisest part of the people been always suspected of hypocritical professions, and of inclinations to aggrandize themselves by the fall of those whom they oppose.

But our patriots, Sir, have not contented themselves with encomiums on the purity of their own hearts, the rectitude of their intentions, or the force of their abilities; they have not thought it sufficient to exalt themselves unless they likewise depressed others; whatever qualities, therefore, they thought it necessary to ascribe to themselves, they judged it convenient to deny to every other person, and not satisfied with being wise and brave and virtuous in the same degree with others, they have for many years appropriated every human excellence, and left no choice to those who have presumed to differ from them, but of folly or corruption, of ignorance or disregard of the true interest of our country, of a blind submission to the dictates of the minister, or a perfidious prostitution of their votes for power and for wealth.

Such are the invectives, Sir, which with unwearied industry they have from year to year scattered over the nation; by these they have persuaded the credulous and weak, among those whose state of life hinders them from obtaining any knowledge of public measures, that they who are in reality most studious of their happiness, they whose constant endeavour it has always been to preserve our constitution unviolated, and to secure to the present royal family a firm possession of the throne, were the hirelings of men combined for the destruction of freedom, the slaves of a minister whose only view was to perpetuate his power. By these plunderers, as they are told, all the profit of their commerce was snatched out of their hands: by these oppressors they were loaded with unnecessary exactions, and harrassed with standing troops, whose real use was to awe them into submission to tyranny, and to enforce the execution of cruel laws, to superintend the infliction of unnecessary hardships.

By such exclamations as these, confidently vented and incessantly repeated, some, perhaps, have been intimidated in the pursuit of measures which their judgment approved; some have imagined, that there must be some latent danger which they did not foresee, or some secret machinations which they had not detected, and that such vehement outcries could not be continued without some real injury either suffered or threatened; others, perhaps, more sagacious, but less sincere, might join in the cry when it began to be echoed by the people, from the natural desire of reputation and applause, and confirm those opinions by their suffrages which they could not oppose without the disadvantage of singularity, and the danger of multiplying their enemies and alienating their friends.

The success of these arts has encouraged the favourers of the motion, now under our consideration, to try them once more; those whom their arguments cannot gain, are, therefore, to be represented as men, not desirous of discovering truth, as men who have perplexed their understandings by their own sophistries, and whom a long course of abandoned wickedness has hardened against conviction; and they hope, that no man will be so hardy as to rise up in defiance of censures so severe, and declare himself an adversary to a motion offered, and vindicated, by the men who have distinguished themselves in this corrupt age, as the only lovers of their country, the patrons of distressed integrity, and the adherents to deserted truth.

But it has been very common among them, notwithstanding that height of political wisdom at which they have arrived, to form chimerical hopes, and to be overthrown after they have sounded a triumph: what may be their fate on the present occasion I am not able to foresee; but shall

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make no scruple to declare, that if their declamations produce on others no greater effects than upon me, they have been only shot scattered in the air, that have fallen to the ground without use and without regard; for I am yet hardy enough to affirm, that, in my opinion, the motion is neither just in itself, nor proper in the present state of our affairs.

In examining the justice of this motion, I am very far from intending to question, whether parliament has a right to enquire into the conduct of affairs or the distribution of money; this is, indeed, a right incontestible and sacred, the foundation of all other rights, and the palladium of our constitution: it was by the timely exertion of this great privilege, that our ancestors have been so often in former ages rescued from destruction, and by this our posterity must preserve that liberty which we shall not doubt to transmit to them without violation; unless measures are pursued very different from those of the minister whose conduct we are now called upon to examine.

But the exertion of this privilege, which is the last effort of our constitution, ought not, in my opinion, to be proposed on common occasions; for the decision of disputable questions, or the redress of trifling grievances, which may be remedied without the solemnity of a parliamentary enquiry, and without the universal alarm which proceedings so awful spread over the nation. The crimes which engage parliament in their detection ought to be public and enormous, they ought to be such as endanger the commonwealth, and which cannot be left unpunished without inciting others to the same corruption by the prospect of the same impunity.

That the veneration due to the legislature should be very solicitously preserved will, I suppose, Sir, be denied by no man, who considers, that obedience of the many to the few can last no longer than respect; and as in private life the man who disturbs his friends with loud outcries and violent efforts on trifling occasions, never fails to become contemptible, and to want that assistance in real perplexity and distress, which he used so earnestly to request without necessity: so in the transaction of public affairs, if the parliament employs its utmost power, and asserts its highest privileges only to gratify resentment, or to punish casual negligence or petty miscarriages, the most solemn act of the legislature may in time be considered as an empty form, and will neither afford any security to the nation, nor produce any terror in wicked ministers.

In most forms of government, there is some power which is never exerted but upon the most pressing emergences, some office which is never erected but when the public is in real danger, and some resort to which no application is made till every other expedient has failed; and by these, great advantages are often procured, and affairs retrieved from a state almost desperate, because they are never prostituted for petty purposes; and when they are thought necessary, every man is convinced that danger is at hand, and incited by his regard to his own safety, to contribute his utmost endeavours to that of the public.

Such among us is the enquiry that is proposed by this motion, which prudence, therefore, directs us to reject as disproportioned to the occasion: for what crime is there charged with any appearance of justice upon the noble person that can reasonably raise an alarm of danger in the nation, or incite parliament to a formal enquiry.

Among all the invectives that artifice has invented or malice uttered against him, I remember none which could justly be considered as important enough to engage the attention of this House, or none but what he has on some occasion fully confuted; and, therefore, as I cannot think the motion prudent with regard to the nation, in which it must necessarily produce some disturbance, I am likewise inclined to censure it as unjust with respect to him to whom it immediately relates.

An enquiry undoubtedly implies suspicion, and suspicion is always in some degree injurious to his character on whom it falls; a man that is tried and acquitted, is still considered as of a more doubtful reputation than he that never was accused. The greatest part of mankind are tainted with wickedness, and gratify their pride or their envy by crediting and spreading reports which reduce others to a level with themselves. Every man has his enemies, whose particular malevolence is too active to omit any opportunity of destroying that reputation which is, perhaps, brighter than their own. And those who are without any partiality may be reasonably excused, if they are inclined to distrust him whose integrity they find suspected by others of equal discernment with themselves, and of whose motives or proofs they have no exact knowledge.

If this be the condition of a man who,

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on common occasions, is by any accident or negligence exposed to the suspicion of men not more regarded for their wisdom or their virtue than himself, what must be the state of him whom the legislature of his country thinks the proper object of public enquiry? How loudly will his enemies exult, and how boldly will his accusers foretell his condemnation? What clamours will the artful leaders of the people excite against him? and how widely will the charge be spread among those whom, perhaps, the answer may never reach? It is not impossible, that many of those whose friendship he has merited by good offices, who have hitherto adhered to him from their opinion of his virtue, may be bribed to attack him by the prospect of popularity, or frightened into desertion by the fear of falling with him; and that though he should be at last acquitted by his judges, he may suffer by his trial alone, the greatest evils that condemnation can inflict, the loss of his reputation and his friends, and be left in solitude and infamy without any consolation but that of innocence.

So formidable are the penalties which a parliamentary enquiry may inflict, even upon the man whose conduct shall be found to deserve no censure; and so unhappy may virtue be made by an unreasonable regard to clamours without evidence, and rumours without an author: and I doubt not, therefore, but this House will reject this motion; unless some proof is produced which may justify suspicion, or some crimes are alleged worthy of the national resentment.

In this hope, Sir, I am confirmed by reflecting on the present situation of the affairs of our own nation, and of those round about us in whose interests we are necessarily engaged. When I enquire into our domestic affairs, I see us engaged in war against a nation formidable for the extent of its dominions, and for the abundance of its wealth; and yet more formidable for its alliance with the most powerful nation in the world, the ancient and implacable enemy of the British nation. I see the war, though not ignominiously unsuccessful, yet far from having produced that honour or those advantages which were expected from it, and very far from gratifying the people at whose request it was declared, and at whose expence it is carried on; and therefore cannot but think, that it might be more worthy of parliament to enquire by what measures Spain may be humbled, our navigation protected, our losses repaired, and our commerce re-established; by what means the American seas may be opened to our merchants, and our colonies restored to security, plenty, and happiness, than how the resentment of a party may be gratified, or how those writers who have been engaged by malice, or by want, to scatter calumny and propagate scurrility, may be secured from the charge of having filled the nation with false alarms, and calumniated a ministry by which the public advantage was steadily pursued.

But, Sir, when I extend my views to the other nations of Europe, I discover still more exigences that may justly engage all that attention which can be spared from our own affairs; I see the House of Austria, the ancient ally of this nation, the House by which the equipoise of power has been so long maintained, and by which the liberties of Europe have been so long defended against the Turks on one part, and the French on the other, reduced not to the brink of ruin only, but to the verge of annihilation; and the House of Bourbon, giving laws to all the princes of the empire, laying the world in desolation by its armies, and creating new dependencies by the distribution of dominions among those who will be content to submit to an universal monarchy; I see all the powers of Europe, under the influence either of infatuation or of terror, connive at the ravages of these enemies of mankind, and desirous not of opposing the deluge of war, but of turning it from themselves.

Is this a time of leisure and amusement, of private prosecutions, and petty animosities? Is it not rather an emergence which requires every hand and every tongue, in which every man ought to be ambitious of distinguishing himself by his actions or his counsels, and in which every man who can attend to his own private views, ought to be considered as a public enemy?

For my part, I oppose this motion, as others professedly defend it, upon the same principles with the former; and am so far from thinking it necessary, that I think it necessary to reject it among other trifling considerations, that we may be at leisure to reflect upon more momentous questions, and examine without that distraction which is produced by a multitude of objects, how the war against Spain may be most successfully prosecuted, and how the house of Austria may be restored to its ancient splendour and exalted to its



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former power, and the liberties of mankind may be once more preserved from the encroachments of the French monarch.

Mr. *Pulteney:*

Sir; nothing is more usual than for men that have lost their reputation to complain of those who exposed them to the contempt of mankind, by confuting their falshoods, or detecting their wickedness; no criminal was ever heard to extol the integrity of the witnesses by whose testimony he was convicted. But complaints and murmurs are of little efficacy when they are opposed to evidence and facts: when we see a man always engaged in that party which most liberally rewards its adherents, and find him always receiving the reward that is offered for his service, it is to little purpose, that he declares with whatever asseverations, that he acts only in consequence of his own conviction, and that his salary has no influence on his conduct.

The adherents to the late minister have surely very little reason to complain, that mankind are inclined to vilify and reproach them; since it is well known, that it was one of the principles avowed among those who were most distinguished for their fidelity to him, that praise and infamy were empty sounds, by which those might, indeed, be affected whom experience had not enlightened, or who had never received instructions from the veterans of a court, but to which very little regard was to be expected from men who had learned the value of money, and had been taught, that profit, immediate pecuniary profit, was the only motive that pushed forward the business of the world, and by which every man ought to be directed, who would exempt himself from the reproach of ignorance and folly.

I believe, Sir, the time is generally remembered in which those who now complain of clamour and invectives, endeavoured to turn the torrent of ridicule upon their adversaries, when their great leader himself employed his adored abilities to make the name of patriot contemptible, and when they pushed their raillery with all the alacrity of success, and all the spirit of security. The time is not yet forgotten when to be independent was the subject of reproach, and when a courtier in the height of his exultation, called out in this House to his brother placemen 'to be true to one another.'

This time is, I hope, now at an end, the placemen at least have now ceased to boast of their slavery, they have found, that their abilities were not able to support them in the opinion of the nation against the force of truth, and that the splendor of equipages, and the profusion of wealth, have not been sufficient to preserve either the esteem or affection of the people; they find themselves now reduced from insults to complaints, they find their whole establishment endangered, and call upon each other, though in a much lower voice, to be faithful to the common interest, and to join all their hands for the support of the tottering fabric of corruption.

Of their fidelity to their common cause they have, indeed, given many proofs, of which, however, there was never perhaps any which deserved more applause from their master, than the opposition which they made to the late motion, and are now making to the present. On this occasion they discover, indeed, how powerful is the influence of a pension, and in what laborious and unpleasing tasks avarice and ambition will engage their slaves; they dispute when they have nothing to urge, and struggle, though the whole nation combines to overwhelm them.

I have, indeed, been so long accustomed to their effusions of zeal, and habituated to hear from them such daring assertions, that I am surprised when any position is admitted by them, which it is their interest to deny; and therefore cannot but acknowledge my astonishment, that no champion of corruption has been yet sufficiently hardened, by the long possession of a place of profit, to call into question the right claimed by parliament of enquiring into the conduct of the ministers.

It has not, indeed, been ever asserted, that this privilege was either usurped unjustly by former parliaments, or that it has on any occasion been abrogated: but it is at length discovered by that acuteness which a lucrative employment generally produces, that it ought never to be exerted, at least that it ought to lie dormant till the nation is on the brink of ruin; a time which those will never find, to whose folly or wickedness the calamities of the public are to be imputed.

It is alleged likewise, Sir, that the crimes, for the punishment of which a parliamentary enquiry is demanded, ought to be such as threaten the public security, and such as cannot be suffered to escape uncensured without inciting others to the same practices.

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This is a specimen of that unlucky eloquence by which a bad cause is often injured when it is intended to be supported; it is no pleasing situation to be obliged to speak when there is nothing to be said; but this has been often the misfortune of the late minister and his associates, and the event has been, that they have been able to produce nothing but what, like the vindication now attempted, fell back upon themselves.

If it be a sufficient reason for a parliamentary enquiry, that crimes are enormous and dangerous to the national felicity, surely this is an occasion on which an enquiry ought readily to be granted; for, what are the crimes charged upon him whose conduct is to be examined, but that he has given pernicious counsel to the king, that he has employed the public money in public wickedness, that he has debauched the morals of the people and endeavoured to corrupt parliament, that he has sacrificed to private views the honour and wealth of his country, that he has obstructed the success of our arms, and neglected or betrayed the rights of our commerce.

Such, Sir, are the crimes with which he is now charged by the general voice of the British nation, a charge which surely deserves to be regarded, and to which a candid attention will not diminish the dignity which the legislature ought to preserve, or the veneration which the people pay to its decrees.

It is, indeed, said likewise, that the crimes ought to be public and undisputed: but why an enquiry should be necessary when the offence is undisputed, I am not able to discover; when the crime is proved, I know not what remains but to punish it, and should move not for an enquiry but an impeachment.

As unfortunately likewise has it been asserted, that such measures are only necessary when the public happiness is in danger; for when can our danger be greater than when we are engaged in an unsuccessful war? A war in which we are not overborne by the power of an enemy whose forces are more numerous, or whose treasures are more affluent than our own, but by a state from which we expected no resistance; and against which it was imagined only necessary to declare war, that we might prescribe terms of peace. When can we more justly have recourse to enquiries than when we see the trophies of our arms destroyed, and the profit of our commerce diminished, when we see armies raised only for show, and our navies acting in concert with those whom they were in appearance sent out to destroy; when we see that family which has in all ages endeavoured our ruin, and which we so lately humbled at the expence of treasures and of forces by which half the world might have been conquered, again setting us at defiance, again aspiring to general dominion, again invading the neighbouring countries, and overwhelming the German empire with a storm of war.

Surely when we are at once distressed within and threatened from without, when our constitution is weakened by corruption, our trade invaded by a foreign power, and our allies sinking before the violence of invasion, when all the nations of Europe are embarrassed by our misconduct, when we find ourselves insulted by one power, and forsaken by another, and are no longer courted, trusted, or feared, it is time to enquire into the original cause of such complicated misery, and inflict some exemplary punishment on that man, whose counsels have alienated our allies, whose treachery has assisted our enemies, and whose corruption has debauched the nation.

In order to the detection of these crimes, an enquiry is necessary, and that there might be no appearance of partiality or personal malice in proceedings intended only for the re-establishment of the public happiness, a general enquiry was first proposed which equally affected every transaction of the last twenty years, and every person who during that time had been entrusted with the care of national affairs: but this proposal, however equitable, however disinterested, and however rational, was opposed, the opposition prevailed, and the slaves of despotic authority had one opportunity more of boasting to their master of their steadiness, their unanimity, and their address. No expedient now remains by which we may hope to discover the public enemy, drag him out into the view of the people, and fix him as a spectacle of infamy to warn future ministers against the pride of power, and the abuse of confidence, but an examination of his conduct to whom numberless calamities are generally imputed. There is no method of examination which our constitution has hitherto admitted, at once so candid, and so efficacious as the appointment of a Secret Committee, which I, therefore, must for the satisfaction of

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the people, recommend, but from which I desire to be excepted; because I have, by some expressions which broke from me in the heat of contest, and the negligence of passion, given cause for suspicion, that I am engaged by personal resentment in an incessant opposition to the person to whom this motion relates: and I suppose no man will blame me for desiring, when I do right, to be thought to do it upon right motives.

Mr. *Stephen Fox:*

Sir; I am not only determined to oppose this motion by the reasons for which I voted against the last; but by another which I am not ashamed or afraid to avow, my personal regard for him whose conduct is to be the subject of the examination proposed.

As I have long known him, I have had more opportunities of discovering his designs, than the greatest part of those who have so loudly censured him; and I am confident, that those who are incited to censure him by true zeal for their country, and unfeigned concern for the interest of the public, only persecute him because they do not know him, and because they have been deceived by false representations of his morals, his politics, and his intentions; all which have been aspersed with the greatest industry, and blackened with the utmost address of malice and ambition.

That some of his measures may have been erroneous, I will not deny; for my veneration for his abilities does not rise to a belief of his infallibility: but if no man, after having been so long entrusted with the administration of public affairs, is to escape prosecutions and impeachments, on any other condition than that of having never failed in his designs, we shall not easily find, even among the patriots themselves, however celebrated for their wisdom, and distinguished for their confidence, any man sufficiently qualafied to succeed this honourable person in his employments.

That any of them will bring into the council, either a greater extent of knowledge, acuteness of judgment, or purity of intention, I shall not easily believe, and am very far from thinking, that any one of those who have so long harassed this noble person with invectives and clamours, will, if it should be his fortune to be engaged in the same province, be able to support himself in it with equal applause, or quit it with equal safety.

His conduct has, indeed, been such as ought to place him, not only out of danger of punishment, but out of the reach of suspicion, which, as has been already with great justice asserted, is in itself a very heavy penalty, though it be not followed by condemnation. To a delicate and ingenuous mind, like that of the noble person to whom this motion relates, nothing can be more painful than to be thought capable of guilt such as that of which a parliamentary enquiry implies a suspicion; and as, in my opinion, his whole conduct has been such as entitles him to honours and rewards, to monuments and to statues,* I shall never consent, that the tranquillity of his retirement should be interrupted by a prosecution; or that those whose artifices he has so often baffled, however subtle, and whose arguments he has so often confuted, however specious, should have an opportunity to revenge upon him in his privacy the defeats which they have received from him.

Mr. *Lyttelton:*

Sir; that there are minds to which it would give no small degree of pain to be suspected of any enormous wickedness, when I either examine my own breast, or observe the conduct of my friends, I am fully convinced; but should never have discovered, that human nature was capable of such a passion as the fear of suspicion, had I only obtained my knowledge of mankind from the contemplation of the late minister and his associates.

It is, indeed, a degree of ministerial effrontery at which every man is not able to arrive, and at which those who know not by what gradations it has been attained will look with astonishment, for men to speak and act for twenty years in opposition to the general desires of the whole nation, and often in open defiance of their petitions, remonstrances and menaces, to hear themselves every day, without fear and without confutation, censured as the violators of the constitution, the plunderers of the public treasury, the corruptors of parliament, and the betrayers of their country; and to see them while they enjoyed the reward of their practices, hug themselves amidst the hisses of mankind, and hear their names mentioned in the

* "'*To a Statue in Gold,*' said Mr. Coke in his speech against this motion. But we have not room for half that was spoken on this occasion." Gentleman's Magazine.

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most opprobrious language, without shame and without anger; and yet when their salaries are in question, when they imagine, that they shall have no solace in their infamy, pretend to startle at danger to their reputation, and not only to abhor guilt, but to be afraid of suspicion.

If the noble person to whom this enquiry relates is, in reality, studious of reputation, he has hitherto been very unfortunate in the methods by which he has endeavoured to acquire it; for perhaps, no nation of the earth can show a man so universally abhorred, a man on whom the general execrations of human kind have been so openly discharged.

Yet this, Sir, is the man whom his adherents would now screen from the malignity of suspicion, whose mind is too delicate to bear the reproach of an enquiry. I doubt not, indeed, but detection will now affect him in a different manner than when he stood in this House with his hirelings about him, haranguing on the benefits of an excise, and the expedience of the convention, when he supported the farce of a debate in the presence of wretches who had sold him their votes, without hearing his arguments, and who were equally prepared to approve contrary measures, if they had discovered that he had changed his inclination.

But though he may yet be susceptible of terror, I am very far from imagining, that he can feel shame; and therefore, think it unnecessary to prove what every man knows, that if suspicion gave him any pain he would solicit what the most ardent of his vindicators are now endeavouring to avert.

He has, indeed, less to fear from an enquiry than any of his predecessors, since they have generally endeavoured to engage their party by specious appearances of public advantage; but he has trusted only to the power of money. It is, therefore, urged with very little propriety, that his friends will forsake him on this occasion, for though danger may, indeed, separate those whom only interest has united, it cannot be conceived, that the dread of infamy can deprive that man of his adherents whom it has for so many years been infamous to support.

It is now, Sir, in my opinion, necessary to comply with the general petition of the people, to shew that our constitution, however shaken by the long continued attacks of a despotic minister, is not wholly destroyed: and that guilt, however prosperous, is not able to bid defiance to the laws. It is expedient to lay open to his majesty and the nation the sources of our present calamities, by our approbation of the motion now before us.

The question was then put, and was resolved in the affirmative by 252 against 245.*

*A Secret Committee of 21 appointed to Enquire into the Conduct of Robert Earl of Orford.*] It was then resolved, "That a Committee of Secrecy, consisting of twenty-one members, to be chosen by ballot, be appointed to enquire into the conduct of Robert earl of Orford, during the last ten years of his being first commissioner of the treasury, and chancellor and undertreasurer of his majesty's exchequer:" and it was ordered, That the members do on Friday next, prepare Lists to be put into glasses of 21 names, to be the said committee.

*An Address of Confidence and Fidelity voted to the King.*] Then it was resolved, *nem. con.* "That an humble Address be

* *From the Secker Manuscript.*

March 23. Motion by lord Limerick, and seconded by sir J. St. Aubin as 9th Inst. for a Secret Committee of 21, to examine into the earl of Orford's conduct for the last 10 years of his being Chancellor of the Exchequer, and Lord of the Treasury. Mr. Pulteney said, ministers should always remember the account they must make; that he was against rancour in the enquiry, desired not to be named for the Committee, particularly because of a rash word he had used, that he would pursue sir Robert Walpole to his destruction; that now the minister was destroyed, he had no ill will to the man; that from his knowledge and experience of many of the Tories, he believed them to be sincerely for the king and this family as himself; that he was sensible of the disagreeable situation he was in, and would get out of it as soon as he could. Mr. Sandys spoke for the motion, and said, he desired his own conduct might always be strictly enquired into. Lord Orford's son, Horace Walpole, and Mr. Ellis spoke well against the motion. It was carried by 252 against 245. Three or four were shut out who would have been against it. Mr. William Finch against it. The Prince's servants for it.

Then Mr. Pulteney moved an Address of duty to the king, &c. which he begged might pass without opposition, and accordingly it did so. But sir W. W. Wynne and several others went out of the House, which was by some understood to be disapprobation, by others accident or weariness.

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presented to his majesty, to assure him of the fidelity, zeal, and affection of this House to his royal person, family and government; and that his faithful Commons will take every opportunity, in this critical conjuncture, to shew, how sensible they are of the present dangerous situation of Europe, by the distresses to which the queen of Hungary has been reduced; and, as the late favourable turn of affairs affords reasonable grounds to hope that, if she is timely and properly assisted by those powers, who are engaged by treaties, and bound by interest to support her, the balance of power may be again restored, and the tranquillity of Europe re-established; this House will therefore proceed with unanimity, vigour, and dispatch, to support his majesty in all such measures, as shall be necessary to attain these great and desirable ends; having, from a just sense of their duty, the highest regard for the honour and safety of his majesty, and the truest concern for the freedom, peace, trade, and welfare of these kingdoms."

*The King's Answer.*] To this Address the king gave the following Answer:

"Gentlemen; I thank you for this dutiful and loyal Address. Your unanimity on this occasion will, I am persuaded, be attended with the happiest consequences both at home and abroad. I recommend to you the laying aside all heats and divisions. I desire nothing more than to reign in the hearts and affections of all my people; which I look upon to be the greatest security to my government, and their liberties."

*Names of the Secret Committee appointed to enquire into the Conduct of the Earl of Orford.**] March 29. The marquis of Hartington reported from the committee appointed to examine the lists of 21 persons names to be the Committee, appointed to enquire into the conduct of Robert earl of Orford, that the majority hath fallen upon the following persons; viz.

| | |
|---|---|
| Sir John St. Aubyn | 518 |
| The right hon. Samuel Sandys, esq. | 516 |
| Sir John Rushout, bart. | 516 |
| The hon. George Compton, esq. | 515 |
| The right hon. lord Quarendon | 512 |
| Wm. Noel, esq. | 512 |
| Sir John Barnard, knt. | 268 |
| The right hon. lord Limerick | 266 |
| Edward Hooper, esq. | 265 |
| The right hon. lord Cornbury | 262 |
| Nicholas Fazakerley, esq. | 262 |
| Hen. Furnese, esq. | 262 |
| The right hon. lord Granard | 259 |
| Sir John Strange, knt. sol. gen. | 259 |
| Thomas Prowse, esq. | 259 |
| Edmund Waller, esq. | 259 |
| William Bowles, esq. | 259 |
| William Pitt, esq. | 259 |
| Cholmley Turner, esq. | 259 |
| The hon. Wm. Finch, esq. | 258 |
| Sir Hen. Liddel, bart. | 258 |
| The hon. John Talbot, esq. | 258 |
| The hon. Alexander Hume Campbell, esq. | 258 |

And it happened, that, upon one of the lists, there was mentioned Alexander Hume Compton; and a question arising thereupon, Whether it might mean any other person besides the said Alexander Hume Campbell, there being no person in the House of the name of Alexander

* *From the Secker Manuscript.*

March 26, 27. The House of Commons ballotted for their Committee, being called over, and each opening his List at the table and putting it into a vessel which stood there. This was ended by 5. Then a Committee began to examine the lists, and sat from that time till 4 the next afternoon: for though two lists were given out, many delivered in consisted partly of one, and partly of the other, and many were put in different order. [See the names and numbers in the next page.] But other names were set down by some one or few persons, as Mr. Shippen, sir Paul Methuen, Mr. Edgcumbe, Mr. Pulteney, Mr. Gybbon, though the two last had desired not to be put down. Lord Barrimore is said to have put his name to his List, which was counted into the number, and made 22, and so his List was rejected. Several did not set down so many as 21, but they were accepted. Sir Thomas Drury, a friend of lord Orford's, put down four of the opposite side in his List. Lord Orford's friends hoped it would bring moderate persons over to them, if they put some in their List who were not partial to him. Mr. Hume Campbel was written in one List Hume Compton, the name of Compton being next. One or two more mistakes were made, as Edward for Edmund Waller. None of them I think allowed to be rectified. Lord Cornbury desired as many friends as he could, not to put him in their Lists.

March 29. The Decision between sir H. Lyddel, Mr. J. Talbot, and Mr. W. Finch, was left to the Speaker, who chose the two former.

March 30. The Committee chose lord Limerick their Chairman.

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Hume Compton? The committee agreed to set a query upon that number, and ordered the fact to be reported to the House; and that the House should be acquainted, that that vote is included in the 258 votes that are now upon the list for the hon. Alexander Hume Campbell.

And there being an equality of votes for the hon. Wm. Finch, sir Henry Liddel, the hon. John Talbot, and the hon. Alex. Hume Campbell; the Journal of the House of the 15th of April 1694, in relation to the proceeding upon the Report from the Committee, appointed to examine and peruse the Lists of the Names of commissioners for taking and stating the public accounts; and to report upon whom the choice of commissioners fell, was read: and the Journal of the House of the 20th of April 1711, in relation to the proceedings of the House upon the report from the committee, appointed to examine the lists of commissioners for examining into the value of lands, and other interests granted by the crown, since the 13th of Feb. 1688, and upon what consideration such grants were made, in order to resume the same, and apply them to the use of the public; and to report to the House, upon which seven the majority fell, was also read. And a debate arising in the House thereupon,

Mr. *Speaker* said, That it was the first time it had ever come to him to determine any thing in the chair by his voice; and though he was under a difficulty in this case, and should not exercise any right in it willingly; yet he had no pain about giving his voice openly; having ever disliked the method of ballot, except in cases of necessity; the openness of acting here, being, in his opinion, one of the great pillars of security to the people, for a proper behaviour of their representatives: he said, he would never give up the right of the chair; yet he desired to be excused from declaring his sentiments as to the point of order in this matter, and submitted himself to the sense and commands of the House.

The Speaker being then desired to exercise the ancient right of Speakers, in case of equality of voices, without putting a question: and it being asserted, that upon the report, in the case of equality of voices, the then Speaker desired to be excused from determining. And it being the sense of the House, that the Speaker should now give his determination; he gave his voice for sir Henry Liddel, and the hon. John Talbot.

Ordered, That five be the quorum of the Committee of Secrecy; that the said Committee have power to send for persons, papers, and records. Also, to examine, in the most solemn manner, such persons as they shall think proper to examine upon the subject-matter of their enquiry.

*A Motion for repealing the Septennial Act rejected.*] March 31. A motion was made in the Commons, That an act of the first year of his late majesty king George, intituled 'An Act for enlarging the Time of Continuance of Parliaments,' appointed by an Act made in the 6th year of the reign of king William and queen Mary, intituled, 'An Act for the frequent meeting and calling of Parliaments,' might be read; which being read accordingly, a motion was made by sir Robert Godschall, and seconded by sir John Barnard, that leave be given to bring in a Bill to repeal the said act: but the same being warmly opposed by several members, amongst whom were Mr. Pulteney and Mr. Sandys, it passed in the negative, by 204, against 184*.

*The Pension Bill rejected by the Lords*†.] March 26. In the House of Lords the Bill intituled, 'An Act for making more effectual the laws now in being, for disabling Persons from being chosen Members of, or sitting or voting in the House of

* *From the Secker Manuscript.*

March 31. Sir Robert Godschall, Lord Mayor, moved for the repeal of the Septennial Bill. Mr. Pulteney said, he thought Annual Parliaments would be best, but preferred Septennial to Triennial, and voted against the motion. In all 204 against it; 184 for it.

† *From the Secker Manuscript.*

March 26. The Pension Bill read a second time in the Lords. Duke of Devonshire said a few words against it. Lord Sandwich pleaded for it, that some persons now in the ministry had patronized it, and for their sakes it should be committed. Lord Romney, that some objections against it had been obviated by alterations. These three speeches lasted scarce half a quarter of an hour. The question put for committing,

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| Not Content | 65 | Content | 39 |
| Proxies | 11 | | 7 |
| | 76 | | 46 |

I was one of 5 bishops for it, lord Carteret and lord Berkeley against it.

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Commons, who have any Pension during pleasure, or for any number of years, or any Office held in trust for them,' was read a second time. It was then proposed to commit the Bill; which being objected to, after debate the question was put, Whether the said Bill shall be committed? And it was resolved in the negative. So that the Bill was lost.

*The King's Message concerning the Queen of Hungary.**] April 1. Mr. Sandys acquainted the Commons, that he had a Message from his majesty, which was read as follows:

"George *R.*

"It is always with the utmost reluctance his majesty asks any extraordinary supplies of his people: but as his faithful Commons have, with the greatest zeal and unanimity, expressed their concern for the support of the House of Austria, and for restoring the balance of power in Europe; and as the late events in favour of the queen of Hungary afford a reasonable prospect of success, his majesty makes no doubt but this House will, at this time, readily grant him such a supply, as may enable him to concert proper measures, and form such alliances with other powers, as may be necessary for attaining those desirable ends, which they have, in so particular a manner, recommended to him."

The said Message was ordered, nem. con. to be referred to the Committee of Supply.

April 2. In the said Committee it was resolved, "That 500,000*l.* be granted to his majesty, upon account, towards enabling his majesty to concert proper measures, and form such alliances, or enter into such engagements with other powers, as his majesty shall judge necessary for the support of the House of Austria, and for restoring the balance of power in Europe."

*Debate in the Lords on the Place Bill.**] April 6. The Lords read a second time,

* *From the Secker Manuscript.*

April 2. In the Commons 500,000*l.* voted for the Queen of Hungary, I believe *nem. con.* Sir John Bernard moved it, which Mr. Sandys told me, was that day making himself the Chancellor of the Exchequer. He told me also, the king was unwilling to grant the Prince 50,000*l.* a year, and I am told from other hands, that he saith he never promised it. The bishop of Sarum says, sir Robert Walpole told him, that the king would give 30,000*l.* but no more. Mr. Sandys appeared determined against admitting Tories, and said it was wonderful their union had held so long, and it could not be expected to hold longer: that he could not imagine why every body spoke against lord Carteret, but that he had better abilities than any body: that as soon as foreign affairs could be settled, they would endeavour to reduce the expences of the crown and interest of the debts.

* *From the Secker Manuscript.*

April 6. Place Bill. It was moved to clear the House.

The Duke of *Argyle* said, it was strange to take this opportunity, when a bill of such importance was under consideration, sent up unanimously by the House of Commons at the request of the nation. Whoever thinks it a wrong one, should be proud to convince the House of Commons, and he wished all the people of England could hear them.

Lord *Darnley* said, the House of Commons had not been cleared lately when a motion to that purpose had been made, but permitted lords to stay.

The Duke of *Montague* desired the Order of 1696, might be read, which forbids lords going to the House of Commons but by leave of their own House.

Lord *Sandwich* said, if the Order for clearing the House was to be executed, he would insist on every other Order.

The Duke of *Montague* desired he would, and that the Order of the 25th January, 1720, might be read, which is, that business should stop till the House is cleared.

Lord *Halifax* hoped that motion would be withdrawn, in civility to the Commons.

Lord *Haversham* moved the previous question.

*Delawar* said, no standing Order could be dispensed with, till a day had been appointed to consider it.

Lord *Berkshire* moved it should be considered on Thursday.

Lord *Chancellor* said, that motion was not regular, since the House was in possession of other business, and it must be cleared—[Which it was.]

*Lovel.* This Bill was rejected by a great majority last year, and for the same reasons should be rejected now.

*Raymond.* It will drive young people of quality out of the army.

*Berkshire.* The Commons are the best judges of their own privileges.

*Delawar.* The people need not chuse placemen again.

*Oxford.* Only persons in the lowest offices intended to be excluded: clerks that in the morning stand behind the chairs of those, whom half an hour after they sit down with in the



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a Bill for better securing the freedom of Parliaments, by limiting the Number of Officers in the House of Commons. On the Motion, that the Bill be committed, a debate ensued*, in the course of which,

Lord *Raymond* spoke as follows:

My lords; I am not only against some particular clauses of this Bill, but against the whole contexture of it; and

House. All influence but that of duty is a bad influence.

*Argyle.* What the late ministry was, we have seen and felt: what the present may be we can only guess. But as men they may be subject to human frailties. The air of a court is very apt to produce ambition, and avarice, and lust of unlimited power. And if that should be tainted, there ought to be some method of cure, and an independent parliament is the only one. And whatever is for the interest of the whole, is for the interest of the crown. Some have doubted which is worst, a dependent parliament, or none. I think it best to have none, then nobody is blinded. "An emperor may grow weary of the servility of a senate," [NB. These were lord Carteret's words last session,] a minister never will. If we had not seen an immense number of Placemen in the House of Commons, we might have doubted about this Bill; but we have seen it. And when almost have they ever voted against the ministry, and how long have they continued in place? There is not a man hears me that will deny without doors, but these things have increased in his own time. Names are regarded, when the principles that occasioned them are vanished. I am of a name and a family, that taught me the power of the crown ought to be lessened: but I can scarce find one of my name after they get into good offices that agrees with me in principles. There are 2 or 300 members of the House of Commons to be turned out as they vote. Anciently offices were not spread as they are now. Formerly you had but one admiral. There was no need then of a Place Bill to hinder 7 or 8 and their clerks. This was done on purpose to introduce a number into the House of Commons. And the number of commissioners is not taken away by the Bill; which, and its not taking place soon enough, are my only objections. I intimated here last year, that the Civil List was in debt, and I was told that there was no proof of that. But I will say, I suspect, and hope I shall not be flatly contradicted in it, that Secret Service hath increased greatly, and that for the first month or six weeks after the meeting of the parliament, the expences have been much greater than the rest of the year. What will the people of this nation think of us for throwing out this Bill? The history of this session will be known, but will not be believed. We are ‡ told, "If the patient continues to languish, will you not change your doctor?" But if the next give

Quack Medicines, the patient may chance to die of a violent death instead of a lingering one.

*Cholmondeley.* I am neither for extending nor lessening the prerogative. Passion and popularity have influenced persons of the greatest understanding. The instructions of boroughs are not a reason why this House should vote differently from what it did last year. The Bill is not altered when it comes in a reasonable way. I shall be for it, as it stands now. Men of property will be in parliament, and not in places. These will be in the hands of the lowest people. A Bill might be brought in for restraining the little offices in the navy, &c. but you can make nothing of this. Persons out of place are as constant in voting as those in place. I have been upon the rack to invent something new upon this argument, and cannot.

*Shaftesbury.* I have a hereditary prepossession for Bills of this kind. This Bill hath come up but once in my time, and then went off without a word speaking. Rejecting it now, will inflame the people at a wrong time. A noble lord (Carteret) distinguished formerly between power and authority. I hope the ministry will have regard to it now. The passing it will be for the honour of the king and those in power. It was brought up by the Chancellor of the Exchequer (Sandys), and therefore doth not proceed from faction.

*Aylesford.* Some of the laws that are our greatest securities, the Bill of Rights, the Habeas Corpus, have been more than once rejected. The crown's prerogative should have no influence in either House of Parliament. This Bill allows as many placemen to sit in parliament as sat in former times, and more will destroy the freedom of parliament.

*Chesterfield.* It is difficult to speak either against or for a self evident proposition. But my reasons for being for this Bill, are regard to the constitution, to this House, to the other House, and to the administration. It must not be said that places influence. But doth any body doubt it? For what have places been divided, augmented, unjust in them connived at? Why do persons spend so much in Elections, and persons and broken fortunes the remains of them? It can be only to repair them. Their employments enable them to be re-elected. But if places had not influenced, the law provides against possibilities. A man that hath an interest in a cause, is not allowed to be a witness. Not that every such man is a knave, but here is a probability also; and will you not obviate it? People in great circumstances are as liable to temptations as others. The House of Commons have done great service to the nation, and it hopes for more from them. It hath

* From the London Magazine.

‡ By Lord Carteret last session.



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though my lords, Bills of this nature have been canvassed in both Houses by men of far greater abilities and experience than I can pretend to, yet I should think myself highly blameable, if I did not, as far as in me lies, oppose a Bill which strikes directly at the root of the constitution, and is an infringement both of the liberties of

universally given them instructions on this head. Do not by rejecting this Bill throw an imputation of collusion upon them. This House hath hitherto kept as free from the suspicion of corruption as from the reality of it. Though these are impervious to it, yet you should also keep the other pure, and not envy them the glory of such a Bill. It is a blemish upon a good administration to have any assistance from a corrupt parliament. One of the ablest Roman emperors thought the reputation of purity so necessary, that he never would give a pension to the most indigent senator, without acquainting the House and obtaining their consent. Luxury hath lost its name. Corruption assumes a thousand shapes, friendship, charity, public service: and thus transforming itself, it transforms others. Some places have no business belonging to them: these are mere pensions, and there are many such employments without business. This Bill leaves almost all the employments which can be offered to a person of consequence: and excludes only such from the House as would be excluded from most company; such as may without incivility be sent to fetch pens and paper for other members. You may commit it and take in more, if you think too many are excluded. But not committing it, is saying, that nothing of this kind shall ever pass. There are now about 200 persons in the House who have places; what will the nation say, if a Bill recommended as this hath been, be thus thrown out?

*Newcastle.* You had the last time this Bill was before you, the reasons against it drawn up by one of those great men who brought about the Revolution (lord Somers.) It goes upon a principle destructive to the constitution, which is, that the crown and the people have a different interest; it excludes from parliament all the first employments of the kingdom. And when the Commons can have no other they will have all these. Wrong instructions from their constituents may influence the other House, but let them not influence us. It will be an imputation upon us, if having been rejected last year it be admitted now. The Bribery Bill hath done nothing but add perjury to corruption. Expences for elections are not to be laid at the door of one party only. Perhaps that is the most guilty which complains. This Bill hath been brought up in almost the same words from the Revolution to this day, and hath hitherto been rejected under all administrations. To pass it now will be, to say we are at length convinced that whoever hath an employment is to be distrusted. This Bill will exclude such as were not designed to be excluded, offices of honour, wardens of the forests, stewards of the crown, &c.

*Carlisle.* The Bill against which the great person mentioned by the noble duke drew up reasons, excluded all men in offices: I sat in the House of Commons with the foot post, whose business was to carry the letters from the post house to St. James's. You may exclude all but such: you cannot exclude all by name: would you exclude by name the king's coru-cutter? If you reject this Bill, the Commons may put it into a Money Bill. The commissioners of the Customs are excluded by a clause in the Land-tax Bill.

*Lonsdale.* I do not like this Bill as it stands: but would make amendments in it, for which the proper time is when it is committed, and that time will probably never come. I am afraid of making any great changes in the constitution. At present things will not go to the utmost length: it appears there are some resources in it: this power in the crown of giving rewards to members, hath been extended too far. Perhaps not above 8 or 10 clerks' places have been given wrong, given to members. Such persons get themselves chosen where they are not known. And these things have brought disgrace on all in power. These things therefore I would correct, and not go much farther. All restraints upon the crown have come from abuses committed by the crown. Yet a man's having an employment, neither takes away his understanding nor his probity. He will be a good man or a bad man as he was before.

*Bathurst.* The honour of the House is essentially concerned in this matter—It will be said, this is the place where such Bills are to drop. The opinions of the people have weight even in arbitrary governments, much more should they in ours. In ours the legislative power is absolute: let us preserve the regard of the people to it. You may alter this Bill into excluding such and such, instead of all but such. If the Commons have no mind it should pass, pass it for that reason. He would not bear obloquy for one's nearest friends. The Pension Bill was the most innocent Bill that ever came hither, probably there will come stronger. It may come in time to this, that nobody will vote for the court without reward, and then more reward. There will be above 100 Placemen left in the House of Commons by this Bill. The Self Denying Ordinance was a blind. Cromwell sat with an employment after it; but it got the House the good opinion of mankind.

Bishop of St. *Asaph.** We are now in a

* Dr. Isaac Maddox. "He was born in London, 27th July, 1697. His parents were very humble, and he lost them both early, upon which he was placed by an aunt with a pastry-

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the people, and the prerogative of the crown. In the sequel of what I shall offer to your lordships, I think I can plainly make out this assertion; but should I be mistaken, my lords, I will venture to say, my head, not my heart will be in fault.

To weigh the merits of this Bill, it will be necessary to take it from its birth, consider its parents, and how and upon what occasions it has appeared. My lords, this blessed plant was sown by party and faction: it was nursed by fury and discontent: loss of English liberty was its fruit. It was the first step by which Oliver Cromwell, and some few others, mounted up above the liberty of mankind. It was framed to divide and destroy the bulwark of our constitution, the parliament; and surely, my lords, it would be very extraordinary, if parliament again should cherish this canker-worm, which since its birth never has dared to appear, but when a distempered air hovered round us, and, like sudden and intense darkness, was the forerunner of a storm.

My lords, the very preamble of this Bill sets up a standard of division between the crown and the people: it declares their interest separate, and of consequence they must draw separately; which is a doctrine quite different from what I have been taught from my cradle. I am sure, it is a most melancholy doctrine; for a state divided against itself can never stand long.

But, my lords, to be more particular, let us consider (should this become an act) what effect it would have, first by excluding all but some few of the most important places from the House of Commons, and afterwards by excluding the army.

First, then, with regard to those places of importance which it does not exclude, and those lesser which it excludes, I shall only beg leave of your lordships to put a few questions. If then, we exclude all but those of the greatest trust, and where the very being of public affairs is centred, how shall we in the next age find men capable of filling them? For by taking away the lesser, we take away the proper steps to the greater. How are those who

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war, and the liberties of Europe depend on the success of it. Therefore I am against this Bill. If it would help us in the war, I would be for it. I do not enter into the merits of it. If it be a good one, I wish well to it, but it be likely to have any extraordinary good effects, it should take place sooner, not after the end of this parliament, which in all probability will last seven years, and that is counted the life of a man. The popularity of a Bill that is to take place in the next age you will not encourage. Let popularity be founded on a vigorous prosecution of this war. That must be interrupted by this Bill, which is owned to require great alterations, and they will take up time. The king's serjeants and counsel may by this Bill sit in parliament. But if any of your lordships' sons offer their lives for the service of their country, a post in the army will exclude them. Thus 'cedant arma togae.' Their wounds and scars are to be the foundation of their being rejected from parliament. Let us therefore drop this Bill and prosecute the war, and God give success.

Question whether it be committed,

N. C. 81.
C. 52. Of whom I was one. Lord Pomfret, &c.

Then lord Darnely proposed to have the standing Order of Jan. 25, 1720, considered a few days after.

C. 43. Of which bishop of Glocester was one.
N. C. 63. Of whom I was one.

Then lord Halifax moved to have the Order of April 5, 1707, read, that neither the Attorney General nor any assistant of the House should be counsel for any private person at the bar. Also to have the 62d Order read, that causes shall be called in at 11, 28th June, 1715. The Chancellor said it was meant for a compliment to him, he was glad of it, for he loved early hours. But as the business of Chancery must be carried on, he hoped he should not attend without such a decent number as that he could go on with business, that great causes were determined by two or three spiritual and as many temporal lords, which did not do honour to that judicature which was the principal support of the House. Adjourned.

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cook, who refused to keep him, because he paid more attention to books, than his business. He afterwards was sent to a Scotch University, but disliking their tenets he entered Queen's College, Cambridge, under the patronage of bishop Gibson, and obtained a doctor's degree at Lambeth. He obtained the rectory of St. Vedast, Foster Lane, London, and in 1729, was appointed clerk of the closet to the Queen; in 1733, dean of Wales, bishop of St. Asaph 1736, and translated to Worcester 1743. In 1733, he published a Vindication of the Church of England, against Neal's History of the Puritans; and published besides, 14 single sermons, preached on various occasions. He was a great benefactor to several hospitals; he encouraged the British Fisheries, and promoted the erection of the Worcester Infirmary. He died 27th of September, 1759." Lempriere.

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are young and unexperienced, to acquire a knowledge in business, so as to be able to transact affairs, on the well or ill conducting of which depends the public good, or the misery of this whole nation? My lords, how shall we find men fit for these important posts? It is an undeniable fact, that business makes men of business: the greatest natural capacity a man ever was blessed with, can never teach him the intricate road, form, and routine of public offices: practice must do it, and practice alone. If then the means to practice be cut off, how must young men arrive at this knowledge? It must be by inspiration, or by one single way else, which is as unlikely to happen as inspiration from heaven, which is, by the great men of the present age turning schoolmasters, keeping a school for foreign and domestic politics. I am apprehensive they will not easily be induced to turn pedagogues; not to mention that they themselves may not, perhaps, wish to have the market overstocked. What then must be the consequence? Young men of fortune and rank cannot accept of places, when by accepting them they are to be deemed unfit for serving their country in parliament, and to have the ignominious mark of slavery set on them; and without accepting which, they cannot arrive at a knowledge of business fit to be trusted with the public affairs. What will be the effect? Men of no fortune, no rank in the state, who have first drudged through the lower and mean offices, must have those of the greatest trust and profit, as being the only persons capable of filling them: and it is too much to be feared, that the complaisance of such (who owe all they have to the crown) will be boundless, and that the king will have bad counsellors, and the nation be ill served.

My lords, with regard to the officers of the army, I think, the same argument is still stronger, as the misfortunes which will flow from it are of a more immediate, and of a more dangerous consequence, and the danger without remedy. This Bill will exclude all young men of fortune from the army, for the same reason it will from all civil employments. Your gentry, your nobility, deprived of all laudable ambitious views, will sink, like Italians, into a slothful idleness. But, my lords, I must beg leave to remind you of this nation's being saved from slavery by having men of property in the army; for God's sake! do not let us ruin that great barrier of our liberty. It may be said, we do not stand in need of any army: we are an island, have a most powerful fleet, so that an army is both useless and dangerous. I shall not enter into all that may be said in answer to that complicated assertion; but only beg leave to put a case, and it is a case as the affairs of Europe stand, which must happen once in twenty years, and I hope our liberty will be upon a sounder foundation than to be hazarded every twenty years; within that space of time, you must, in all probability, raise a considerable army, either to defend your own possessions, or preserve the balance of power in Europe, which are equally and absolutely necessary. When this army has done what you raised them for, you will think it necessary likewise to disband them, and ease yourselves and the people of so costly a burden; but your lordships, perhaps, will find the disbanding them more difficult than the raising them. I am apt to believe, that a vote of either House, how rhetorically soever it may be expressed, will not persuade them it is for their interest to lose their bread, when by keeping together, you and all you have is intirely at their mercy; and, my lords, at such a season, should a prince, less a father of his people than his present majesty, should a prince of more ambitious than honest intentions, fill the throne, it would be in his power, with such an army, to become as absolute as the king of France. My lords, by what I have offered to you, it plainly appears to me, that nothing can keep and confirm your liberties but having the officers, at least, men of property, who have a stake in the country, and whose interest is the same with ours. It was by an army of hirelings, debtors, renegadoes, and such, that Rome at last fell a victim to the ambition of one man.

It may, perhaps, be said in excuse for this Bill, that men of too small fortunes have employments and seats in parliament: have you not an act of qualification? If that is not observed, why will you imagine this will? I should think it would not; for though it is an extraordinary thing to say so, it would be contrary to the interest of the crown, contrary to the interest of every particular, and contrary to the interest of the nation in general. But if the sum limited in the Qualification Bill is not already sufficient, increase it: that is the only way which will answer what is in vain expected from this Bill. But, my

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lords, to conclude: what a compliment would it be to his majesty, to say, you are not fit to be trusted with what your ancestors have always hitherto enjoyed, the power of disposing of places and judging of merit? We will, by a public act, shew we mistrust you. What a compliment will it be to those the people chuse, to say, we will not trust your integrity, because the people chuse you their representatives? Is this the means to endear a people to their prince, a prince to his people, or mankind to one another?

The Earl of *Sandwich*:

My lords; I am sorry to hear a Bill branded with so many hard names, which, in my opinion, is not only designed, but absolutely necessary, for securing our constitution against the crown's having a corrupt and prevailing influence in both Houses of Parliament. It is said to strike at the root of our constitution, by attacking both the liberties of the people, and prerogatives of the crown, and it has been called the offspring of party and faction, nursed up by fury and discontent. This is a most terrible description, but the direct contrary in every respect happens to be really the case; as I hope I shall be able to shew both from the nature of the Bill, and from the history of such Bills, some of which had the good luck to be passed into laws, and some of those laws now stand, and, I hope, ever will stand, unrepealed.

In ancient times, my lords, nay I may say till after the Restoration, we had no occasion for such Bills. The crown had but few lucrative employments to bestow, and many of those it had at its disposal, were such as were generally granted for life; consequently, no minister could hope by such means to gain, much less to preserve, a corrupt majority in either House of Parliament; and the impossibility of success prevented their making any such attempt. We had then no mercenary standing army, nor had the crown any lucrative military commissions to dispose of. If an army was at any time raised for foreign service, no officer employed in that army could look upon his commission as an estate for life; therefore, though a commission in the army was looked upon as an honour, it was never looked upon as a favour; but on the contrary, those landed gentlemen who had acquired a character in their country for conduct, courage, and military knowledge, were often solicited to accept of commissions in the army which was to be raised, and when the service was over, they returned to live upon their estates in the country, without being at any farther charge to the public.

We had then, my lords, but very few Customs and no Excises; consequently a minister could not spread his excisemen over the whole kingdom, to influence elections in counties, or to govern them in most of our inland boroughs; and the salaries of our custom-house officers were so trifling, that no man of any great character or fortune would accept of them, so that such officers had but very little influence in any of our sea-port towns. Nay, the commissioners in our navy were either such as were not at the disposal of the crown, or such as could have no considerable influence over those that accepted them; for while the custom of the crown's being furnished with ships of war by our sea-ports remained, the officers of the ships were appointed by the magistrates of the town where they were fitted out; and even after the ships began to be furnished at the public charge, and all the officers appointed by the crown, a commission in the navy could not be looked on as a provision for life, because when the expedition was over, they were dismissed without any half-pay or other provision; from whence it is plain, that a commission either in the land or sea service could then have no influence in parliament, because the officers, when employed in an expedition, could not be there, and when they were not employed, they had nothing from the crown.

But now, my lords, the case is quite altered: the commissions in our army and navy, the posts in the collection of the public revenue, and the other places in the disposal of the crown, are become so numerous and so lucrative, that they must have a great influence upon the members of the other House, if there be no restraint upon the number of placemen allowed to have seats in that House. This, I say, must be the consequence, unless we suppose, that men will judge and determine as impartially in a case where they are to get or lose 500*l.* or 1000*l.* a year, as in a case where they are to get or lose nothing by their judgment or determination; and to suppose this, is so contrary to the nature of mankind, and to the established maxims of all societies, that I am sure none of your lordships will make any such supposition. Parliaments, we know, are designed to be a check upon ministers;

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we likewise know, that almost every post or place in the disposal of the crown, is left to the arbitrary disposal of ministers; and we also know, that no minister ever did, or ever will give a lucrative post or employment to a man who opposes his measures in parliament; from late experience we know, that some of the highest officers in the kingdom have been dismissed, for no other reason but because they disapproved of the measures pursued by our ministers, and had honour enough to declare their disapprobation in parliament. Can we then expect, my lords, that the other House will ever be a check upon the conduct of our ministers, as long as there is a majority in that House, who enjoy or expect some lucrative and honourable employment from the benevolence of those very ministers? I shall not say, that in such a case the members would all be corrupt in their determinations; but I will say, that in many cases they would be biassed in their judgments, and thereby induced to approve of what, in duty to their country, they ought to have disapproved of, or to put a negative upon what, in duty to their country, they ought to have given their consent to.

Therefore, my lords, if we intend that the other House should answer the end of its institution, by judging impartially, and determining wisely and justly in every case that comes before them, we must pass this Bill, or such a Bill as this; or we must pass a Bill for taking from the crown the disposal of those posts and employments that are necessary for the executive part of our government; and surely those lords who seem so mighty jealous of any incroachment upon the prerogative of the crown, will agree to the former rather than to the latter of these two expedients. The latter, I shall grant, would be an infringement of one of those prerogatives now enjoyed by the crown; but I cannot for my life see what the former has to do with the prerogatives of the crown, nor can I conceive how any one prerogative of the crown is to be in the least affected by this Bill. There is no confinement, nor the least restraint proposed upon the power the king has to dispose of offices or employments: he may grant them as fully and freely as before: he may even grant them to members of parliament, notwithstanding any thing proposed to be enacted by this Bill; and the members may enjoy the office or employment so granted to him, only if it be such a one as is not excepted in this Bill, he is not to be re-chosen.

Is this, my lords, an infringement of any prerogative of the crown? Has the king a power to tell the people whom they are to chuse, or whom they are not to chuse? No, my lords; but the legislature has, and has already in many cases exercised that power. The people are already by law restrained from chusing a man as their representative, who is not possessed of 600*l.* or at least 300*l.* a year: they are already restrained from chusing any man concerned in collecting the public revenue: they are already restrained from chusing their high sheriff to be their representative; and now they are to be restrained from chusing any placemen, beside those excepted in this Bill. This is, it is true, a new restraint, but it can no more be said to be an infringement of the people's liberties, than confining a madman can be said to be an infringement of his liberty; for if the people were not mad, or something worse, they never would chuse a man as the guardian of their liberties, that must either forfeit the lucrative post he enjoys, or betray his trust to ministers who can, and probably will, take his post from him if he does not, and who have always by experience been found to be the greatest enemies to the liberties of the people.

I hope I have now made it appear, that this Bill is no infringement either of the prerogatives of the crown or the liberties of the people; but that, on the contrary, it is absolutely necessary for preserving our constitution, by preventing a ministerial and corrupt influence in parliament. I shall next proceed to examine the origin of this and such like Bills, in order to see whether they deserve to be called the offspring of faction, nursed up by fury and discontent. This, I know, my lords, is a scandal that has been thrown by ministers and their favourites upon all the laws we have for securing the liberties of the people. The Habeas Corpus Bill was, by the ministers of that time, reckoned such a factious Bill, that when it was first brought in, the parliament was prorogued before it could be got ready for the royal assent. The Triennial Bill was reckoned such a factious Bill, that king William was advised by his ministers, to refuse it the royal assent, the first session it was presented; and would perhaps, have done the same in the next session, if it had not been presented to him very early in the session,

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and long before the necessary supplies were all granted. And the laws we have for preventing pensioners and the collectors of our public revenue from having seats in the House of Commons, have generally been scandalized in the same manner by ministers and their favourites; but all impartial men will admit, that those Bills were the offspring of a true public spirit, and that if they were nursed by discontent, it was a discontent that proceeded from the illegal and oppressive, or corrupt practices of our ministers.

Then, with regard to the Bill now before us, I shall grant, that this, or some such Bill as this, has been often brought into parliament, and has been as often opposed by ministers; but I never heard that such Bills proceeded from faction. What the noble lord meant by insinuating, that the parliament was ever destroyed by any such Bill, is what I cannot comprehend; for, I hope, he will not call the assembly held here towards the end of king Charles the first's reign a parliament, or their Self-Denying Ordinance an act of parliament. That assembly had before, by means of their army, destroyed the substance of our constitution, and no wonder such an army should at last destroy the remaining shadow, especially after it began to be troublesome to them, and hateful to the whole kingdom. But thank God! we have as yet no such army to deal with, nor is the character of this parliament as yet become despicable among the people. We have nothing to fear from the swords of our army, as long as their chief officers are members of this or the other House of parliament, which this Bill does not prevent: their votes only we have to fear, in case too great a number of subalterns should happen to be members of the other House. This we ought to prevent, and this every man of honour in the army will assist us in preventing, especially such of them as have no hopes of becoming the members of the other House, which is by far the greatest part, and, I believe, by much the best part of the soldiers.

We cannot therefore, my lords, draw any argument from what happened in that pretended parliament which murdered their king, after having destroyed the constitution of their country; and as no such law as this has ever yet taken place, we cannot pretend to know, from experience, any bad effect it will produce: but as several such Bills have been brought in; as those Bills were all brought in by those who by their conduct appeared to be friends to our constitution, and opposed by those who have always appeared to be its greatest enemies, I mean our ministers of state; and as no inconvenience, but great benefit, has accrued from that law which disables commissioners and officers of our customs or excise from being members of the other House, experience must give us a favourable opinion of this Bill. Can it be said, that in the year 1693, we were influenced by any factious discontents? And yet in that year, such a Bill as this, which was intitled, 'A Bill touching free and impartial Proceedings in Parliament,' passed both Houses, but by the advice of the ministers was refused the royal assent; as several others had been during the beginning of that reign. Can it be supposed, that in the year 1701, we were governed by any factious discontents? And yet in the Act of Settlement then passed, there was an express clause for excluding all placemen from having seats in the House of Commons, after the Settlement then established should take place, which clause met with the approbation, not only of both Houses of Parliament, but of the crown itself. And surely no man will derogate so much from the known courage of king William, as to say, that he would have allowed himself to be bullied by any faction or party into a regulation, which he thought would strike at the root of our constitution. This clause, it is true, was afterwards in the queen's time repealed; but I wish the noble peers who were the promoters of that repeal, had considered a little more their own characters, as well as the constitution of their country; for if they had, they might perhaps have made some such exceptions as are contained in this Bill, but, I am sure, they would never have agreed to, and much less proposed a general and absolute repeal of that clause.

Even now, my lords, we may be liable to some discontents; but if we are, they are far from being factious discontents: they are most justifiable discontents: they are such as have been occasioned by measures which have brought this nation into disgrace, and Europe to the brink of destruction: measures which could not have been carried on, if such a law as this had been in being; and measures which our latest posterity may have cause to load with imprecations. If many gentlemen of the other House, and perhaps some of your lordships' predecessors had not been biass-

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ed by the honourable or lucrative employments possessed or expected, it is impossible to suppose, that parliaments would have approved of measures, the fatal consequences of which were so emphatically foretold at the time, and have since been so fully verified by the event; therefore, the Bill now before us cannot be supposed to proceed from faction or fury, but from a true regard to our constitution, and a well grounded jealousy of a ministerial corrupt influence in parliament.

It seems to be a misfortune, that some of your lordships can never properly distinguish between the crown and the ministers of the crown, which often brings confusion into our debates; and yet there is nothing more plain than that distinction has been made by our constitution. The crown ought certainly to be a check upon all its ministers, and all those employed in the executive part of our government; it is not only the duty but the interest of the king to take care, or to have care taken, that none of those he employs shall make a bad use of the power he intrusts them with, or the confidence he reposes in them; but this is too extensive a task for any king whatsoever, especially the king of such a large and populous kingdom as this is; and therefore by our constitution, the king is to be assisted in the performformance of this duty by his parliament. We are never to enquire into the conduct of our sovereign: our constitution tells us he can do no wrong; but by his appointment, we are to examine the conduct of his ministers and counsellors; and it is his interest that we should faithfully and impartially perform this duty. If the majority of the other House should consist of those employed by the crown in the executive part of our government, would not they then be both judge and party? Is it then possible to suppose, that such a House of Parliament would faithfully and impartially perform this duty to their sovereign? To prevent this impossibility is the design of this Bill. It sets up no standard of division between the crown and the parliament, but is calculated for preventing the parliament's being engaged in an interest not only separate from, but opposite to the interest of the crown, I mean that of a guilty minister; and therefore I must beg leave to say, that, in my opinion, whoever argues against this Bill, argues against the interest, the glory, and the happiness of his sovereign.

I am surprised, my lords, to hear it said in this House, that in order to be a lord high admiral, or a lord high treasurer, it is necessary for a man to be first an underclerk in the office. At this rate none of your lordships could ever be capable of being in any of these high offices, no nor any of your posterity; and yet both these high offices have often been most worthily filled, and most duly executed by some of your ancestors, without having ever before had an opportunity to learn any thing of the intricate routine of those offices. From experience we know, that most of our great offices may be executed by men who, from their birth and quality, could never descend so low as to be a clerk in the office; and under such men, I believe, the duty of the office will always be more faithfully performed, than it would be, should a little fellow of an under-clerk be raised by the favour of a prime minister, to be at the head of the office, which is not unlikely to happen, if no such Bill as this should ever be passed into a law.

I shall grant, my lords, that in the army few gentlemen are made, or indeed ought to be made colonels or generals, without having first been captains, or perhaps subalterns; not because of their incapacity or ignorance, but because it would be a discouragement to the service, and an injustice to those inferior officers who have a title to be advanced. But can we suppose, that any young gentleman who had a mind to raise himself in the army, would throw up his commission rather than his seat in parliament? Or is it necessary, that a young gentleman of family and fortune should be in the other House as soon as he comes of age, and consequently have a share in governing the nation, before he can well be supposed capable to govern himself? This is so far from being necessary, that, I believe, it would be happy for the nation to have a regulation made, that no man should be capable of being chosen a member of the other House, till after his being thirty or forty years of age; and therefore it is with me an argument in favour of this Bill, that it would prevent the other House's being filled with young gentlemen, who are more fond of a cockade than of the liberties of their country.

Such gentlemen, my lords, will always prefer their having a commission in the army to their having a seat in parliament; consequently this Bill will prevent no such gentleman of family and fortune from



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serving in the army: and as to those gentlemen of family and fortune, who have good sense and true honour, an exclusion from parliament will be an encouragement for them to serve in the army, because they may then expect to meet with justice in the army, without being obliged to purchase it by betraying their country, and sacrificing their conscience in parliament. Whereas should a prime minister resolve to keep a numerous army always in pay, and a powerful squadron always in commission, not for over-awing or defeating the enemies of his country at sea or in the field, but for defeating all opposition to his measures in parliament, and all enquiries into his conduct, no gentleman of family or fortune could expect common justice, either in our army or navy, unless he should, by means of his family or fortune, get himself chosen a member of parliament, and there vote in every case according to the minister's direction. If this should ever happen, I am sure no gentleman of family and fortune, who had any honour, would accept, or could long keep a commission in our navy or army; and as to those who have no honour, let their family or fortune be what it will, I am sure the most wicked and enterprising minister can more safely rely upon them for his protection, than their country can trust to them for its relief.

Thus, my lords, it is evident, that if we intend to encourage gentlemen of honour as well as family and fortune to enter themselves in our army, or on board our fleet, we must pass this Bill; and this seems now to be the more necessary, because we have a more numerous army of British subjects on foot, and a greater number of men of war in commission, than we ever had since we have had any thing like a standing army, or any thing like a royal navy. What advantage they may reap for their country, I do not know: I am sure, they are a great expence to it; and, I am afraid, we shall never get free of any great share of that expence, if this Bill is not passed into a law; for whilst our law stands at it does at present, I am convinced, the number and influence of the officers of our army and navy will be every day increasing in parliament.

I hope, I have now shewn, my lords, that this Bill, if passed into a law, must in every respect contribute to the security of our liberties; that our liberties must fall a sacrifice to a ministerial corrupt influence in parliament, or to the ambition and avarice of men of no fortune or no honour in our army, if it is not passed into a law; and that every objection made against it, appears to be an argument for it. But of all the objections that have been made, I am most surprised at its being said, that this Bill will be a bad compliment to his majesty, because we are to take from him the power of disposing of places and judging of merit. Can this objection be made by any lord who has read the Bill? Does it in the least diminish his majesty's power of disposing of places or judging of merit? May not he, notwithstanding this Bill, grant a place to any member of parliament he thinks fit? As the law now stands, such member must be re-chosen; and I have shewn, that the people ought in most cases to be restrained from rechusing him, because if they were not mad, they would not do so; for I am sure, no man can be a proper guardian of their liberties, whose chief subsistence, as well as his hopes of future advancement, may probably depend upon his betraying them: I say, no such man ought to be chosen or re-chosen by the people, unless he be a man of a greater and more established character than any clerk of an office, or inferior officer of our army or navy, can be supposed to be. The Bill is therefore no infringement of the prerogatives of the crown, or liberties of the people: It has always been a favourite Bill of those who were for securing our constitution against the designs of ambitious princes or wicked ministers; and as I glory in being one of those, I shall most heartily concur in having it passed into a law.

The House having divided, the numbers were, Content 52, Not Content 81. So that the Bill was rejected.*

* "The Place and Pension Bills, and a Bill for repealing Septennial parliaments, had been the great criterions of the party, when they were a minority; and it was determined to put the sincerity of the new administration to those tests. Pensioners sitting in parliament were more obnoxious to the people than place-men. A Bill was brought in to exclude them; it went aukwardly through the Commons; and was rejected by the peers. The Place-Bill, though greatly modified, had the same fate. It was generally thought that the motion for repealing the Septennial-Act, would have taken place, but when it was moved for by sir Robert Godschal, and seconded by sir John Barnard, the motion was over-ruled in the



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*Debate in the Commons on transferring seven Irish Regiments to the British Establishment.*] April 28. The Commons, in a Committee of Supply, resolved, That one regiment of horse, two regiments of dragoons, and four regiments of foot, consisting in the whole of 4,000 men, be transferred from the Irish to the British establishment, for the year 1742; and, that 74,192*l.* 5*s.* 4*d.* be granted for defraying the charge thereof: on a division, Ayes 214, Noes 123.

April 29. Mr. Fane reported from the committee of supply the said Resolution, whereupon,

Mr. *Phillips* stood up, and said:

Sir; I attended yesterday, in the best manner I could, to the arguments that were used in the committee of the whole House, in favour of the troops now under your consideration; and they were drawn either from the necessity of supplying the queen of Hungary, in order to preserve the balance of power in Europe, or from the fear of an invasion from some foreign power, in the absence of the 16,000 men, that his majesty has ordered to be sent into Flanders. As to the queen of Hungary, I believe, this House is unanimous in their opinion, that she ought to be supported; and if the question had been, whether the troops should be sent abroad to her assistance, or not, that argument would have been proper; but has no relation at all to the present question. His majesty has, without advising with his parliament, thought fit to order those troops to embark, and that matter is not now under our consideration; but, I hope, his ministers are satisfied, that the Dutch and Hanover troops will act in concert with those troops; the embarkation will then be highly proper and justifiable, but otherwise mad and unaccountable.

As to the arguments drawn from the fear of an invasion, I cannot think gentlemen were in earnest when they made use of them. Our navy must be in a profound sleep, and our ministers void of intelligence, if they suffer Spain to approach our coasts; and as to France, her finances are so low, and she has so many armies on foot, to make good her engagements to the new emperor and her other allies, that it would be ridiculous to imagine, she would attempt to invade us, especially when we have an army marching to her frontiers.

It was said, a necessity might arise of sending more troops abroad; if so, will it not be time enough to send troops abroad directly from Ireland, when that necessity appears, and cannot they be soon replaced by new raised troops here? What argument, then, can be used for taking into our pay this additional number of troops? None but what prevailed in the time of the late administration, but which, I was in hopes, would have died with them, that it is always necessary to keep up a large standing army in England; a dangerous doctrine! and I will venture to say, that whoever advises a British king to delight in a standing army, is an enemy to his country, as it tends to enslave the people, and instead of being a security to the crown alienates the affections of the subject, and creates murmurings and jealousies; for when people feel, they will complain. And I cannot help expressing the great surprise I was under yesterday, to hear so many gentlemen that are professed friends to liberty, advocates for the increase of our army. The supplies already granted amount to above 5,385,000*l.*; the embark-

House of Commons, by a majority of 20. Amongst those who spoke against it were, Mr. P. and Mr. Sandys, who having been always the main promoters of it, were thereby exposed to a great deal of abuse, both without and within doors, and undoubtedly, at first sight, their conduct was very inconsistent.

"But the truth is, it was both wise and honest. They had now learned, that there was a wide difference between the speculative and practical part of government, and that however the late administration had been railed at, for opposing that and many other popular motions, the public business could not have been done, had they taken place. The nation was then in a ferment, which was likely to continue, and had a majority of parliament been returned, as would probably have been the case, of men possessed with wild unpracticable notions of government, the event, especially when the nation was engaged in a war, might have been fatal, not to mention many intermediate inconveniences. The new proselytes for the Septennial Act urged farther, that as the present parliament had obtained the removal of an obnoxious minister, the interest of the nation was concerned in its continuance, and that her friends on the continent would lose all their confidence in her, should a new parliament take place. It was on the other hand urged, that the present parliament had two more sessions to sit, should the motion pass; but that was a consideration which had no weight, since the canvassing and the intriguing part of elections would commence immediately, and have a great influence upon gentlemens' conduct within doors." Tindal.

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ation of the troops, as they consist of so many horse and dragoons, will greatly increase that sum; and, I am sure, this nation is not in a condition to be at any expence that is not absolutely necessary for its safety. That these 4,000 men are necessary for that end, I cannot at all believe, and therefore, must give my negative to them.

The hon. gentleman that made the motion yesterday in the committee, (sir William Yonge,) was pleased to say, that when the 16,000 men are embarked, you would not have above 11,000 men left in the kingdom. I am satisfied a less number will be sufficient in our present circumstances for the security of the kingdom; but I beg leave to take notice, that the 1,600 men that are coming over from Minorca, instead of those that are to be sent there, are not included in that number, neither are the marines, and though many of these are abroad, yet they are not all; I am sure many of the officers are at home, and they might soon raise men to serve in place of those that we have been obliged to send to help to man the fleet. Shall we never have done increasing the forces? An army of 66,000 men is inconsistent with the constitution, and must one day ruin it. I was in hopes the redressing of grievances would at least have kept pace with the granting of supplies; but, alas! the one has quite distanced the other; and the great expectations from this parliament will, I fear, end in nothing, but granting more forces and more money, than has been granted in any parliament within the so much talked of period of twenty years past.

Mr. *Winnington:*

Sir; in all countries, especially in this, the people expect to be protected by their government, they expect to be secured even from the approach of danger, and yet they grudge every expence which becomes necessary for that purpose: this renders it popular to oppose all public measures, because every public measure must be attended with a public expence; and this very often, I believe, creates a prejudice in gentlemen who are fond of popularity, which makes them judge amiss of almost every measure, and every precaution that can be taken by the government. It is to this prejudice that I must impute the opposition which the measure now under our consideration has met with; for if we consider it impartially, and without prejudice, there can nothing, I think, appear more prudent or more reasonable. That the queen of Hungary ought to be supported, that she ought to be assisted, has been for some time almost the universal cry of this nation: we ought, they say, to assist her, not only in conquence of our engagements, but in order to preserve ourselves, by maintaining the balance of power. Whether I concur in this general opinion, it is not now necessary to declare; but now, when it is resolved to send troops to her assistance, and some of those troops are, for our domestic security, to be replaced by others, gentlemen begin to find fault with both these measures, because both must be attended with a public expence.

We are told, that it will be mad and unaccountable to send our troops abroad, unless we are well assured that those troops will be joined by the troops of some other powers. Suppose we were not sure of being joined by the troops of any other power in Europe, except those of the queen of Hungary herself, yet I cannot think it would be either mad or unaccountable to send a large body of troops over to Flanders; because it will shew, that we are not only willing but ready to join with those other powers of Europe, who have certainly as great an interest, and ought to have an equal concern for preserving a balance of power in Europe. There are several states and princes in Europe, who at present affect a neutrality, and yet we cannot suppose, they are quite easy at seeing the House of Bourbon giving laws to the princes of Germany, and appropriating to itself the greatest part of Italy. Even the princes of Germany themselves, who at present continue neutral, and, perhaps, some of those who are now joined in alliance with France, may be prevailed on to join in a confederacy for pulling down, or at least for prescribing bounds to the overgrown power of that monarchy, as soon as they see the armies of Britain upon the continent, and ready to protect them against that power which, in their present situation, they find they cannot resist. This is an effect which this nation has, I am sure, great reason to wish for: and as the transporting a body of our troops to Flanders, will be attended but with a very small additional expence, and can be attended with no other inconvenience, I think it is worth our while to make the trial, even though we be not previously

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assured, that either the Dutch, or any other state in Europe, will join their troops with ours, or enter into any confederacy for the support of the queen of Hungary, or for limiting the ambitious views of the House of Bourbon.

From hence, I hope, Sir, it will appear that the embarkation of our troops can in no case be deemed mad or unaccountable; but when we send our troops out of the kingdom, it would certainly be both mad and unaccountable to leave this island destitute of a sufficient number of troops for its defence, and for securing its domestic tranquillity. Whatever others may think of the disaffected party amongst us, I have so great an attachment to our present happy establishment, and to the royal family now upon our throne, that I am still jealous of that party, and apprehensive of their power. True love, they say, is always mixed with jealousy: and this makes me dread every opportunity, the disaffected may think they have got, for putting their designs in execution. There are still many gentlemen of figure and fortune amongst us, who openly profess their attachment to the Pretender: there is a sort of enthusiastical spirit of disaffection that still prevails among the vulgar: and, I am afraid, there is by far too great a number of men of all ranks and conditions, who now seem to be true friends to the Protestant succession, that would declare themselves otherwise, if they thought they could do so without running any great or unequal risk. These considerations shall always make me jealous of the Jacobite party's getting any opportunity to rebel, and this they have always thought they had, and always will think they have, when they see the nation destitute of troops; for which reason, I shall always be for keeping in the island, in time of war, as well as in time of peace, such a number of regular troops as may be sufficient for awing them into obedience.

But the danger of an insurrection at home, is far from being the only danger we have to apprehend from not having in the island a sufficient number of troops for our defence. The danger of an invasion from abroad, with the Pretender at the head of it, is equally to be apprehended; and the nature of these two dangers is such, that each contributes to the increase of the other. We are now in actual war with Spain, and as we are vastly superior in naval force, even though she should be openly assisted by France, she can expect no success: she must dread the effects and the event of that war, unless she can raise some domestic combustion amongst us. Must we not then expect, is it not certain, that she will use every art that can be thought of, for throwing 8 or 10,000 of her best troops into this island, with the Pretender and some of his adherents at their head? And is it not as certain, that upon their landing in any part of the island, they would be joined not only by all the disaffected, but by all those of desperate fortunes, who are always more ready to join in overturning, than in supporting an established government; because, from their success in the former, they must expect greater encouragement than they can expect from their success in the latter. Spain, we know, has a sufficient number of troops to spare for this purpose; and we know what a small number of ships would be sufficient for transporting 10,000 foot and dismounted dragoons from Spain to the southern, or south-west parts of this island; for they would have no occasion to transport horse to a country where horses are so plentiful, and which is so much inclosed, that horse can, in very few places, come to a regular engagement. Twenty or thirty good merchant ships would be sufficient for such a purpose; and these might be provided, the troops embarked, and even landed here, before our court could have any intelligence of the design, which would have been the case in the year 1718, if their fleet had not at that time met with an accidental storm and contrary winds.

Our navy, Sir, may be useful, it will always be sufficient, I hope, to defend us against a formidable invasion, because we must have intelligence of the design, long before the necessary preparations can be made for such an invasion; and may, by a superior squadron, lock the enemy's fleet up in their port, before it can be ready to sail; but against a sudden invasion with a small force, such as I have mentioned, our navy can never be a sufficient security. For defending us against such an invasion, we must always have a sufficient number of troops in the island; and I must leave to gentlemen to consider what a woeful and dangerous condition we should be in, if 10,000 of the veteran troops of Spain were landed in the southern or western parts of this island, and we had but 10 or 12,000 regular troops in the whole island: they might march to our capital, drive the royal family, and all its friends, from

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thence, and place the Pretender upon the throne, before we could bring an equal number of our regular troops together to oppose them; and if they could do this, who can say, that our regular army itself, or a great part of it, would not declare in favour of the invaders?

The danger of an invasion from Spain, is not therefore such a bugbear, as some gentlemen seem inclined to represent it: but upon sending our troops to Flanders, Spain is not then the only country from whence an invasion may be justly apprehended. The design of our sending our troops into Flanders is well known: it must be to circumscribe the views of France, or directly to attack that kingdom. Either of these will make France our enemy, and will induce that court to contrive, if possible, how to make an invasion upon us. They are, it is true, at present at a great expence: they have lost great armies in Germany: they have still great armies there; but they have likewise great armies of regular troops at home, much more than would be sufficient for making an invasion upon us, if we had but 10 or 12,000 regular troops in the whole island; and they now see, that they will be in danger of losing all the money they have spent, and all the blood they have spilt, without being able to reap any benefit to themselves; unless they can divert the power of this nation by raising a civil war amongst ourselves. Can we suppose, that in these circumstances they will not attempt making an invasion upon us, if by our own misconduct we put it any way in their power? By the superiority of our naval force, and by keeping a strong squadron in the channel, we may prevent their being able to make an invasion upon us with any formidable army; but considering how many ports they have within a few hours sail of our coast, how many ships, fishing vessels, and barks fit for transporting soldiers in such a short voyage, they have in every port, and how well acquainted their smugglers are with every creek and corner of our shore, we must admit, that it would be very easy for them to embark and land 10 or 12,000 of their best troops upon our southern coast, before we could any way hear of their design, or send any squadron to disappoint them: and this, we may depend on it, they would attempt, if they knew that we had no sufficient number of regular troops to march and attack theirs as soon as landed. I must therefore think, it would be the height of madness in us, to leave this island destitute of a number of troops sufficient for defending us against an invasion, that can be made suddenly and unawares: and as the army we have now in this island, together with the troops to be brought from Ireland, is no more than sufficient for that purpose, I cannot but approve of their being brought hither, and must therefore be for providing for their subsistence.

Our army, Sir, as it is at present modelled and commanded, is so far from being dangerous either to the liberty or property of the subject, that I think it the surest pledge we have for the quiet enjoyment of both. I thought so under the late administration: I shall think so under every administration, unless I see an attempt made to model it so, as to make it fit for serving the ends of those that may aim at arbitrary power. And as to the millions we have raised, or may be obliged to raise, I wonder to hear them complained of by gentlemen, who, upon former occasions, exclaimed so much against our inactivity, and who have lately appeared so sanguine for supporting the queen of Hungary. Surely, they do not think, that war is to be carried on without the aid of millions; or that our soldiers and seamen are to fight their battles for them, without the usual subsistence. I wish we could raise ten times as many millions as we do; I am sure, I should think the whole well bestowed, if thereby we could procure a safe and honourable peace both for Europe and ourselves. We may, perhaps, Sir, for I have not made the calculation, have at present above 60,000 soldiers, if all the regiments were complete, besides foreign troops in our pay; but no man can imagine we have as yet too many, for if the war continues, and becomes general, we must raise more, or, at least, we must take a much greater number of foreign troops into our pay; and I never heard that an army upon the continent, or any army but an army kept up in this island, in time of peace, and without the consent of parliament, was of dangerous consequence to our constitution; therefore I must think, that no gentleman can, with reason, find fault with the number of troops we have now in our pay, were that number twice as great as it is at present.

Gentlemen still talk of grievances, and of redressing grievances at the same time we grant supplies. They have harped so much during this session upon that string,



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that the subject is in some measure become ludicrous. Surely, if they think any thing a grievance, they ought to put the question fairly to the House, and have it voted to be so, before they talk of having it redressed; especially, as they know that there are many gentlemen in this House who happen to differ from them in opinion, with respect to every grievance they have been pleased to give us the least hint of; for some of those things they have been pleased to mention as grievances are, I believe, by a majority of the House, thought to be national benefits, and others are, by the same majority, thought to have no present existence. Therefore, till the question is fairly stated, and the opinion of the House taken upon it, which is the only way I can think of for determining the question, it is impossible to tell what is or is not a grievance, or whether we have at all any grievance to complain of. For my own part, I do not think we have any grievance but one to complain of, and that is, our having a set of gentlemen amongst us, who oppose every measure of government, merely because they had no share in advising it, nor are like to have any share in carrying it into execution. This, I shall grant, is a real grievance, but this grievance we have been always plagued with, and always, I fear, will, as long as we preserve our liberties; therefore I shall never think of having it redressed: I shall only recommend it to all those who have now, or shall hereafter have, the honour of being members of this House, to consider seriously and impartially every question that comes before them, and to give their vote upon that side which appears most suitable to the true interest of their country; for if this advice be followed upon the present occasion, I make no doubt of having the concurrence of a great majority of this House, in agreeing with our committee upon the subject now under our consideration.

Mr. *Carew:*

Sir; whether I am ever misled, or whether I may be ever misled by an affection for popularity, I shall not pretend to determine; but I must acknowledge, and I glory in the acknowledgment of it, that I do affect popularity; I do covet the esteem and good opinion of my countrymen: I shall always covet it: and whatever gentlemen may pretend, if they do not endeavour to be popular, it is not because they despise it, but because they find the pursuit inconsistent with their vanity, their avarice, or some other more ridiculous passion. I am sure, an affectation to be a courtier may, and does much oftener, mislead men, than an affectation to be popular; for when the people are fully informed, and have had time to consider a thing coolly and seriously, we seldom find them judge amiss; and the reason is, because they have nothing in view but the public good, whereas a court has seldom the public good in view so much as some private interest of its own. This observation, which is founded in reason, is confirmed by experience; for through our whole history we shall find, that where the court and people have happened to be of different opinions, the people have almost always been in the right. I do not however say, but the people may sometimes be in the wrong: when their passions are inflamed, or when they have not a proper information, they may judge amiss; and when this is the case, it is the duty of every man who differs from them, to endeavour to set them right, and to maintain resolutely that opinion which he thinks most reasonable; but upon such occasions, a man ought to examine and re-examine his own opinion, and to take great care that he is not misled by some private passion or view of his own.

I wish every gentleman in this House would follow this method: if they did, we should have no contest, Sir, about the expediency of free and frequent parliaments; nor about the truth of several facts which some gentlemen now seem to doubt of, or positively to deny. We should all join in declaring Septennial parliaments to be a grievance; for except the second parliament of king Charles 2, or rather the first called by him, I do not know that ever any parliament lasted so long as seven years, till the Septennial Bill took place; and since that time, I doubt if they have improved either in their dignity or use. We should all join in declaring it to be a grievance, to have any member of this House in danger of losing the best part of his subsistence by voting according to his conscience; and we should all join in having such a suspicion of the late conduct of our public affairs, as ought to be deemed a sufficient ground for a strict enquiry.

In all these things the people without doors almost universally concur; and if no gentleman amongst us was misled by his attachment to the court, or to some private view or passion of his own, I am

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persuaded we should here be pretty unanimous in the same opinion. We should likewise, in this case, be unanimous, I believe, in our opinion, that considering the great number of troops we have now on foot, we might safely spare to send 16,000 of them to Flanders, without calling over any regiments from Ireland; for surely it will not be said, that those regiments, while they remain here, can be of any service to the queen of Hungary: on the contrary, they will do her a prejudice, by consuming a part of our public revenue which otherwise might be sent to her; and every one must grant, that ready money is the sort of assistance she stands most in need of.

The fear of an invasion or an insurrection in favour of the Pretender, is such a thread-bare argument, that I am surprised to hear it again seriously made use of in *this* House. What the hon. gentleman said of the redress of grievances may much more justly be applied to the fear of the Pretender; for this argument is never made use of lately, but you may see a general smile spread itself over the whole House. Nay, in the countenance of every gentleman who makes use of it, you may see such a contrast as is generally observed in the countenance of a young widow upon the loss of an old husband. She affects a sorrow, but in spight of all she can do, her inward joy breaks forth in the disposition of some of her features. I hope, all the gentlemen of this House have a real affection for our present royal family; but I wish, some of us would shew a little more affection for the liberties and constitution of our country; for whoever betrays them to his jealousy or fear of the Pretender, does our present royal family more harm by his jealousy, than he can ever do it good by his affection.

It would be easy, Sir, to shew the impossibility, or at least the improbability of all the insurrections and invasions we have been terrified with in this debate; but it is so self evident, and has been so often and so fully explained upon former occasions, that I do not think it worth my while to enlarge upon the subject. Therefore, I shall only observe in general, that by some gentlemen's way of arguing upon this subject, they make a very bad compliment to our present royal family, or to those who have an affection for that family; for by magnifying to such a degree the danger we should be in from an insurrection or sudden invasion in favour of the Pretender, they must either suppose, that his majesty has no affectionate subjects except those who are inlisted in his army, or they must suppose, that those who are well affected towards our present royal family, have so little courage, that they will neither risk their lives nor their fortunes for that family, upon which, they think, their liberties, properties and religion depend. But however free those gentlemen, out of the abundance of their affection, may make with their king or their countrymen, I am far from having such an opinion of either. I am persuaded, his majesty has many loyal subjects, besides those of his army, who would be ready to venture both their lives and fortunes in his defence: I believe, there are very few who would venture either for the Pretender; and therefore, if by a very extraordinary concurrence of events, 10 or 12,000 foreigners were landed amongst us, with the Pretender at their head, I am convinced, they would be joined by very few, but, on the contrary, would soon be overwhelmed by the numbers of men that would take arms in defence of their king, and the liberties of their country.

This I hope, Sir, is the case at present: it will certainly be the case, as long as the people think that the preservation of their liberties depends upon the preservation of our present happy establishment; but should the scene be changed, should the people find the liberties of their country oppressed by a numerous mercenary army, and that oppression enforced and made legal by a more mercenary parliament, they would probably turn their eyes to the Pretender for relief; and then if he should land in any part of the island, with half the number of foreign troops, his army would increase like a snow-ball; a few days march would make it too huge and mighty for our mercenary army to oppose, and the more so, because a great many of the common soldiers, and perhaps some of the officers, would certainly desert, and join the invading enemy. I must therefore think, that those gentlemen who are for securing the people's loyalty by a numerous mercenary army, are exactly in the case of a jealous husband, who, to secure his wife's chastity, locks her up: She will certainly, some time or other, get an opportunity, and the first she gets, she will certainly make the proper use of, such an use as such an husband deserves. Sir, the English padlock is certainly the best: clap the padlock upon the minds of the

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people: this can no way be done but by trusting to themselves the defence of their king and country: disband therefore your army, or the greatest part of that you have no occasion for abroad: take all possible methods to make your people accustom themselves to arms and military discipline; and then you can be in no danger from an insurrection of a few disaffected persons, nor from any invasion that can be made upon you, as long as you have a superior force at sea.

For this reason, Sir, I must be of opinion, that the bringing these regiments from Ireland and keeping them here, instead of preventing an invasion, will probably encourage our enemies to make the attempt; and instead of defeating it when made, they will more probably contribute towards rendering it successful. Gentlemen tell us, Sir, that our army, modelled and commanded as it is at present, can never be dangerous to liberty. For God's sake! how would they have it modelled and commanded? Is it not modelled and commanded in the very same manner those armies were that have destroyed the liberties of other countries? Is it not under the arbitrary command of the prime minister? Are not all the officers' commissions at his arbitrary disposal; have not they been taught for twenty years, that a blind submission to his orders, in civil as well as military affairs, is the only road to preferment, the only tenure by which they can expect to hold their commissions? Is it possible to have an army modelled and commanded in a method more dangerous to liberty? At the Revolution, I know, Sir, it was supposed, that no army could be dangerous to liberty, but an army kept up within the island, in time of peace, without the consent of parliament; but we have since, by experience, been taught otherwise: We now know, that the officers of an army, modelled as it is at present, may endanger public liberty by their own or their friends votes in this House and at elections, more than they can do by their swords in the field; and in this way, we know, that an army of British subjects, even when employed upon the continent, or kept in any of our remote dominions, may be of dangerous consequence to the liberties of their country. My hon. friend was therefore in the right when he said, that an army of above 60,000 men was inconsistent with the constitution; for I shall always think so, as long as the officers' commissions are all at the arbitrary disposal of a prime minister.

What our ministers intend to do with the troops now ordered for Flanders, or what encouragement they may have for sending them thither, I do not know; but if they have good reason to expect that our troops will be joined by the troops of some neighbouring states, I hope, these regiments that are to be brought from Ireland, and as many more as we can possibly spare, will be sent after the rest. I shall not as yet pretend to find fault with this measure of sending our troops abroad; but if it should afterwards appear, that we had no good reason to hope for being joined by any other troops, besides those of the queen of Hungary, nor any reason to expect being able to form a confederacy in favour of that princess, I shall then certainly condemn the measure; for surely we are not so mad as to imagine, that we are able to support the Pragmatic Sanction against all the powerful princes of the empire, united with France and Spain against it; and if we should be obliged to bring our troops back without attempting any thing, we shall make a very poor figure in the eyes of all Europe, which, I am sure, will no way contribute to restore our character, but on the contrary, will sink it still lower, if possible, than our late pusillanimity and perplexed negociations have done. If we are still to do nothing but negociate, we might have saved ourselves the expence of keeping in pay such a numerous army; or, at least, we might have kept our money amongst ourselves, by keeping our army at home. All the powers of Europe know, that, as we are masters of the sea, and have always abundance of transports ready at a call, we can send an army to the continent whenever we please; and therefore, if none of them be now inclined to join us, I am sure, our putting ourselves to the expence of sending a large body of troops thither, without some previous though secret assurances, will not alter their inclinations, because it will give them a very bad opinion of our conduct.

The consequence will therefore, I hope, shew, that our ministers had good assurances from those that ought to give them: in that case, I hope, the regiments proposed to be brought from Ireland will be sent after the rest; but till they are sent, or just ready to be sent, I think we have no occasion to transfer them from the Irish to the British establishment; for which reason I must be against approving the resolution of our committee.

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Then the question being put for agreeing with the Resolutions of the Committee, it was carried in the affirmative, Ayes 280, Noes 169.

*Debate in the Commons on Mr. Paxton's refusing to answer before the Committee of Secrecy.**] April 13. Lord Limerick, Chairman of the Committee of Secrecy, acquainted the House, that Mr. Nicholas Paxton, Solicitor of the Treasury, having been examined upon oath, did refuse to answer the questions put to him by the committee: hereupon it was moved, That he be committed to the custody of the serjeant at arms, and debarred the use of

* "The Committee began their operations by choosing lord Limerick chairman. They applied with indefatigable diligence to the inspection of the Treasury books and papers; they examined many persons who were supposed to have been the private agents of sir Robert Walpole, in his schemes of corruption, bribery, and dilapidation of the public revenue.

"The expectations of the nation were raised to the greatest height; the measures of the minister who had been held forth as a public delinquent, as having squandered and appropriated the public money, were brought before a tribunal, consisting of persons who were both willing and able to trace his misconduct, and discover his enormities. It was naturally expected that in so long an administration, big with difficulties, and teeming with internal troubles, numerous instances of corrupt influence and notorious malversation would have been discovered; and that his opponents had some foundation for the crimes which they had laid to his charge. But it soon appeared that they had advanced accusations which they could not prove; and that the charges urged with such confidence in the forcible language of Pitt, could not be authenticated. "I fear not to declare," observed that eminent orator, with all the baneful spirit of party, "that I expect, in consequence of such enquiry, to find, that our treasure has been exhausted, not to humble our enemies, or to obviate domestic insurrections, not to support our allies, or to suppress our factions; but for purposes which no man who loves his country can think of without indignation, the purchase of votes, the bribing of boroughs, the enriching of hirelings, the multiplying of dependents, and the corruption of parliaments."

"The want of sufficient proofs, drawn from authentic papers and voluntary evidence, reduced the committee to so great a dilemma, that for the purpose of proving those enormities, which they deemed had been committed, they had recourse to a very extraordinary and unprecedented proposition. For the discoveries which they were able to make were inconsiderable, when compared with the atrociousness of the charges; and they attributed the inefficacy of their enquiries to the arts and obstinacy of the ex-minister's friends and dependents.

"It is an established maxim in all governments, that secret service money must be employed for the public advantage, and the disposal of that money is, in limited governments like ours, always confided to the king, under the direction and controul of his ministers, who are responsible to parliament. Among the ministers, the First Lord of the Treasury, as having the chief direction of the finances, is principally entrusted with the distribution.

"With a view to prove sir Robert Walpole guilty of abusing or mismanaging this part of the public revenue, they examined some of the inferior agents who must always be employed in that species of negociation. The sum of 95,000*l.* had passed through the hands of Paxton, solicitor to the Treasury. Being called upon to give an account of that money, he was first examined about 500*l.* which had been paid to one Boteler in 1735, for the purpose of carrying his election for the borough of Wendover. Paxton being repeatedly asked if he had advanced any money on that account, repeatedly refused to answer that question, as it might tend to accuse himself. For this species of contumacy, he was committed to Newgate, by an order of the House. Gwyn Vaughan being examined by the committee, in regard to a practice with which the late minister was charged, of obliging a possessor of a place to pay a certain sum from the profits, to a person recommended by government, followed the example of Paxton, and declined making any reply, as it might affect himself.

"Scrope, secretary to the Treasury, and member of the House of Commons, being next examined in regard to the disposal of 1,052,211*l.* which had, within the term of ten years, been traced into his and sir Robert Walpole's hands, declined the oath of discovery, avowing that he could not, consistently with his conscience, take a general oath, while particular queries might arise, which he was determined not to answer, and he added, that he could reply to no interrogation, concerning secret service money, without the permission of the king. On being again examined, he acquainted the committee "he had consulted the ablest lawyers and divines, and they had made his scruples stronger; he did not do it to obstruct the committee, but he could not, as an honest man, and with a safe conscience, take the oath. He had laid his case before the king, and was authorised to say, that the disposal of money, issued for secret service, by the nature of it, requires the utmost secrecy, and is accountable to his majesty only; and therefore his majesty could not permit him to disclose any thing on the subject. He hoped he should not incur the displeasure of the committee, for if the oath was confined, he was ready to be examined. Upon this answer, he was no further pressed.



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paper, pen, and ink. On this motion a warm debate arose. On the one side it was urged, That except the House was made acquainted with the questions that had been proposed, it was impossible to judge whether they had been properly put or not; and therefore they could not judge of the offence, for it was possible that the questions were of such a nature as might involve himself, and no man was obliged to turn his own accuser.

On the other side it was argued, That if the House was to be made acquainted with every question that the Secret Committee might, in course of their enquiry, propose, it was no longer a Secret Committee; that its design was lost, and that as nothing was more common than to examine and confine a man by a warrant from a single Secretary of State, so it was not to be presumed that 21 gentlemen, whom the Commons of Great Britain had reposed so much confidence in, would have less discretion, or propose any thing improper.—Then the question being put upon the motion, the same was agreed to, Ayes 197, Noes 136.

The next day, the Serjeant at Arms was ordered to bring the said Mr. Nicholas Paxton, now a prisoner in his custody, to the Committee of Secrecy, to be examined, as often as the said committee shall think fit: and that his wife have leave to go to and remain with him, but not be allowed pen, ink, or paper, and that no person have access to her, without leave of the House.

Then it was farther ordered, That the Committee of Secrecy have leave to sit, notwithstanding any adjournments of the House.

April 15. Lord Limerick reported from the Committee of Secrecy, that he was directed by them to acquaint the House, that Mr. Nicholas Paxton, Solicitor of the Treasury, did again refuse to answer to what had been before demanded of him; whereupon it was resolved by a majority of 180 voices against 128, That he be committed close prisoner to Newgate; and that he be not allowed pen, ink, or paper; that no person be permitted to have access to him, without leave of the House: that his wife have leave to remain with him during the time of his confinement, but that she be not allowed pen, ink, or paper; and that no person have access to her, without leave of the House: it was also farther ordered, That the keeper of Newgate do bring the said Nicholas Paxton to the Committee of Secrecy, to be examined, as often as the Committee shall think fit.

FIRST REPORT OF THE COMMITTEE OF SECRECY APPOINTED TO ENQUIRE INTO THE CONDUCT OF ROBERT EARL OF ORFORD.] May 13. The lord Limerick, according to order, made a Report from the Committee of Secrecy; which he read in his place; and afterwards delivered in at the clerk's table: where the same was read, as follows:

A REPORT from the COMMITTEE of SECRECY, appointed to enquire into the Conduct of ROBERT Earl of ORFORD, during the last Ten Years of his being First Commissioner of the Treasury, and Chancellor and Under-Treasurer of his Majesty's Exchequer.

Your Committee finding themselves obstructed in their enquiry, by the obstinacy of Mr. Nicholas Paxton upon his several examinations, are under a necessity of laying that whole transaction before the House, (together with a short state of his behaviour as solicitor of the treasury and a public accomptant) as also an account of the behaviour of Gwyn Vaughan, esquire, on his examination.

Your Committee now think proper, in order to avoid repetition, to acquaint the House, that, in pursuance of their orders, all the persons examined before the said committee, were examined in the most solemn manner; and Mr. Michael Gibbons being examined, said, he was agent to John Boteler, esq. who stood candidate at the election for a member of parliament for the borough of Wendover in the county of Bucks, in 1735; that Mr. Boteler did, the Saturday night before it came

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"Several others in the same manner refusing to answer, the committee were perplexed, and confounded between their strong inclination to convict, and the impossibility of effecting their purpose by the common mode of legal or parliamentary proceeding.

"They therefore published their celebrated Report, and moved in the House of Commons, for a Bill, 'To indemnify such persons, as should upon examination, make discoveries, touching the disposition of offices or any payment or agreement in respect thereof, or concerning other matters belonging to the conduct of Robert earl of Orford,'" Coxe's Memoirs of sir R. Walpole.

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on, advise with the examinant, what was proper to be done; that the examinant told him, nothing could be done without 5 or 600*l.* that on this, he believes, Mr. Boteler told him, that he had not so much money, but he would write a letter to Mr. Paxton; that the next morning one Mr. John Jones, who was a friend of Mr. Boteler, was sent to London, and returned on the Monday morning to Wendover, and on his return told the examinant, that he had delivered a letter to Mr. Paxton, and Mr. Paxton had given him 500*l.* he having at the same time in his hand a great number of bank notes, which he told the examinant was the 500*l.* in question, and which he immediately carried in to Mr. Boteler, who soon after came out, and informed the examinant the 500*l.* was come.

Mr. *John Jones* being examined, said, That he had no interest in the borough of Wendover, but was employed by Mr. Boteler as a friend; that, before the day of the election, Mr. Boteler desired the examinant to go to town with a letter to Mr. Nicholas Paxton for money; that he found Mr. Paxton at Fulham, and gave him the letter, and Mr. Paxton, on reading it, desired the examinant to meet him the next day at Roger Williams's coffee-house; that he did meet him accordingly, and Mr. Paxton gave him a parcel of money (of which the greatest part, if not the whole, was in bank notes) and told him, on delivering it, 'here is your answer,' the sum, he believes, might be about 500*l.* that he carried it the same morning to Wendover, and delivered the same, or the greatest part thereof, to Mr. Boteler.

*John Boteler*, esq. being examined, said, That when he stood candidate at Wendover, in 1735, he did, on occasion of that election, and not long before it, make an acquaintance with Mr. Paxton, solicitor to the Treasury; that the examinant was pushed at the election, and wanted money, and thinking he had some pretensions to favour, on account of his having been ill used in his former election, and knowing Mr. Paxton was a person about the treasury that might have an interest where the money might be had, the examinant, as he could not come away from Wendover without money to defray his charges, sent Mr. John Jones to London, with a message to Mr. Paxton for money, which message, the examinant believes, was a letter for 500*l.* that Mr. Jones returned with the money to the examinant a little before the election; that the examinant did never give either bond, note, or receipt for the money, nor has Mr. Paxton at any time since made a demand either of the money, or any security for the same, nor did he consider himself as a debtor for the sum thus received.

Mr. *Nicholas Paxton* being examined, said, That he knows Mr. John Jones very well, and has known him for some years: that he likewise knows Mr. Boteler, formerly a candidate at Wendover, and has known him several years; he believes, that Mr. Boteler stood candidate for Wendover in the year 1735, but that he was not an agent for Mr. Boteler.

Mr. Paxton being further asked, if he advanced any money to Mr. Jones, on the account of Mr. Boteler, about the time of that election? He said, 'I will not answer that question, as it may tend to accuse myself.'

The Committee desired he would consider of it. To which he answered, 'I desire no time to consider of it.' Then he was ordered to withdraw.

And being again called in, the question was read to him, and he was informed by the Chairman, that it was the unanimous opinion of the Committee, that an answer to this question did not tend to accuse himself, and therefore the committee did insist on an answer. To which he said, 'I desire to be excused.' Then he was again ordered to withdraw.

And being again called in, the Chairman repeated the question to him, and informed him, that the Committee did insist on an answer, and would not excuse him. To which he said, 'I will not answer that question;' and persisting in his refusal, was ordered to withdraw.

Mr. Paxton being, on the next day, taken into the custody of the serjeant at arms, by order of the House, was on the day following brought before the Committee, in order to be examined, and being again asked, if he did advance any money to Mr. John Jones, on the account of Mr. Boteler, about the time of the election at Wendover, in the year 1735? He said, 'I adhere to my former answer;' upon which he was ordered to withdraw. And being again called in, the Chairman by the direction of the Committee, repeated the same question to him, and acquainted him, that they expected he should give a positive answer thereto. Upon which he said, 'If you will have me give

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a positive answer, I do say, I will not answer that question, as it may tend to accuse myself.'

Your Committee, in the next place, proceeded to examine Mr. Richard Banks, late partner with Mr. Paxton, who said, that he became a partner in business with the said Mr. Paxton, about the year 1731 or 1732, and continued to act with him as such, till within these four or five years; that in their private business he, Banks, generally received the money from the clients, though not always; that in other business, which he apprehended related to the public, he gave the bills to Mr. Paxton, who allowed them to the examinant upon account, as money; that the examinant had one bill of near 3,000*l.* for prosecutions relating to the borough of Orford in Suffolk, in which Mr. John Lawton of the exchequer, appeared to be the client; that Mr. Lawton paid the examinant several hundred pounds for carrying on this prosecution, and sometimes he had money for the same purpose from Mr. Paxton, for which the examinant gave him a receipt; but this was, for the most part, when Mr. Lawton was out of the way, and when they met again, Mr. Paxton usually gave up such receipts to the examinant, who then gave Mr. Lawton others in lieu thereof; that twice Mr. Masterman received costs from Mr. Moxon, who was concerned on the other side, about 200*l.* the first, and about 500*l.* the second time, and these costs being allowed to the examinant by Mr. Masterman, who taxed the bills, the examinant gave Mr. Lawton a receipt to their amount, and, the examinant believes, that he gave no receipt to any person, except as aforesaid, for money advanced in this affair, but to Mr. Lawton from whom most of the money came; that at first the examinant did not know whether this prosecution was a public or private one, but he did at last believe it was answered by public-money; that it was understood by all Mr. Lawton's friends, as the examinant believes, that the said prosecutions were carried on with public money, and that Mr. Lawton did not bear the expence thereof; that the examinant, being at Bury, was one evening in company with Mr. Prime and Mr. Lawton, when Mr. Prime took occasion to talk to Mr. Lawton, as not thinking he had received enough in that cause, Mr. Lawton told Mr. Prime that Mr. Banks had orders to fee him handsomely, and asked Banks, what he had given him, who answered, five guineas on each information; and the examinant informed the committee that there were several informations; he further added, that Mr. Prime said to Mr. Lawton, I do not doubt, but this is an exchequer or treasury-prosecution (one or other expression the examinant was sure of,) Mr. Lawton then said to Mr. Prime, why do you ask me that question? Mr. Prime replied, I see there is abundance of care taken in these prosecutions, and a thing carried on by a private purse would scarce have had two solicitors; that thereupon angry words passed between Mr. Lawton and Mr. Prime, and that at last Mr. Lawton said to him, 'I assure you, there has been no money disbursed hitherto, but what has been out of my pocket, but I do not pretend to say, I shall not be reimbursed it again;' that the examinant has sometimes jocularly asked Mr. Paxton, if these prosecutions were not on the public account, but that Mr. Paxton has been on the reserve, and evaded it by telling the examinant, 'What is that to you, as long as you are paid?' that there remains seven hundred and odd pounds unpaid of the bill for these prosecutions: that Mr. Paxton has likewise charged himself with another bill of the examinant's as money in an accompt to pass between them in a prosecution against a news-writer for defaming sir Charles Gonter Nichol, just after his death, for having accepted of a red ribbon; that counsellor Chute recommended Mr. Paxton to lady Nichol, and Mr. Paxton gave orders to the examinant for this prosecution; and that a good while afterwards, the examinant asked Mr. Chute, who he should make out the bill to; that Mr. Chute told the examinant, that he should be no loser by it, but that he thought it was to cost lady Nichol nothing; and that he apprehended Mr. Paxton was to pay it; on which the examinant went to Mr. Paxton, who at first made a little demur about it, but after a while he did agree to allow the bill to pass in account, as aforesaid; but the examinant never did apprehend it to be at Mr. Paxton's own expence; nor doth the examinant know, that Mr. Paxton ever charged himself with the examinant's bills as money, before he had actually received them, unless in what the examinant apprehends was discharged with public money; but that Mr. Paxton has engaged himself under his hand, to answer for the beforementioned bills as money in his account with the examinant.

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Mr. *Leonard Martin*, who has been partner with his father-in-law, Mr. Paxton, since Michaelmas 1737, being examined, said, that he was concerned for the borough of Radnor, but not till they came to apply for a new charter; that he received his directions from Thomas Lewis esquire, who told the examinant, as he believes, that he should be paid by the government; that he consulted Mr. Paxton, as well as Mr. Lewis, and, to the best of his remembrance, Mr. Lewis told him, Mr. Paxton was to pay him; that the examinant's bill for soliciting, and passing the new charter, and for defending three informations in the nature of Quo Warranto, against three members of the corporation, was 1,284*l.* of which upwards of 1,200*l.* was on account of passing the charter, and it was paid him by Mr. Paxton above a year ago; that this new charter was for an incorporation, the old corporation being broke up by prosecutions and judgments of ouster; that he apprehends the petitioners for this charter were only persons set up by Mr. Lewis; for he was the person that had it at heart, and who chiefly solicited, and pushed it forwards.

*Thomas Lewis*, esq. a member of this House, being examined, said, That he applied to have the expences of an intended new charter for the borough of Radnor born by the crown; that he had a favourable answer; and believes Mr. Paxton has told him, he had directions to take care of it; that Mr. Martin acted as solicitor in procuring and passing the charter, and furnished the money for that purpose; but the examinant believes, Mr. Paxton paid Mr. Martin again; that the examinant paid some fees to the counsel for attending the Attorney and Solicitor General in this affair, which amounted to about 40 or 50*l.*; that he delivered a bill for the same to Mr. Paxton, who repaid him; that Mr. Paxton in the same manner supported the expence of defending three informations which were brought during the passing of the charter, against the bailiff and two aldermen of Radnor; on which informations they were ousted from their offices as bailiff and aldermen.

Your Committee proceeded, in the next place, to examine into Mr. Paxton's behaviour as a public accomptant; and find, that he entered on his office of solicitor of the treasury on the 22d of December 1730, from which time till the month of July 1734, being four years and upwards, they find that he had passed no account, nor was he in readiness to pass the same; for it appears to your committee, that, on the 2d of July 1734, he procured a warrant from the treasury for stopping process till the Hillary term following; but it does not appear to your committee, that, since that time, process has ever been revived against him, or that any other steps were taken towards his passing any account, till about twelve months ago, when his account, ending the 22d of December 1732, was delivered into the auditor's office.

That, besides the account just mentioned, there is another of Mr. Paxton's ending the 22d of December 1734, now under examination, which was delivered in to the said office last April was twelve months; there lies also before the auditor a third account, ending the 22d of December 1736, which was delivered in the 8th day of February last.

And your Committee find, that, on the 8th of February last, a state of the account of Mr. Paxton, from the 22d of December 1730, (the day of his appointment to his office) to the 22d of December 1732, amounting to the sum of 28,235*l.* 0*s.* 9½*d.* and the discharge whereof amounted to 26,630*l.* 4*s.* 5*d.* was submitted to the lords of the treasury by Mr. Edward Bangham, deputy-auditor, who has observed at the foot of the account, that for 3,251*l.* 17*s.* part of the cravings of the said Mr. Paxton, no receipts, or bills of the particulars, were produced; and that it appears by the warrant of the treasury, which direct the accomptant's allowance of 500*l.* per annum, payable out of the exchequer, that the said allowance is to be, as well in lieu of termly, and other fees and allowances, which he might claim for his own pains and service, as for clerks, coach-hire, and such other the like charges, incident to the execution of the said office; but that it is alleged by the accomptant, that the services before mentioned are foreign to his business as solicitor of the treasury; and that he was directed, by special orders, to attend the same; the greatest part of which were before his appointment, and required his attendance in the country; and it appears, that this state of the said account, though it bears date on the 8th of February, was not in fact delivered into the treasury till the 9th of February last, when your committee, to their great surprise, find, that, notwithstanding these observations laid before the commissioners of the treasury by the de-

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puty auditor of the imprest, they did, the very same morning, issue their warrant to one of the auditors of the imprest, to authorize the passing and allowing of the said account.

But though, by this means, the treasury did grant to Mr. Paxton all the favour in their power, his accounts are not yet passed; for they must be first declared, and the declaration is the judicial act of the chancellor of the exchequer; in which he can revise, and, if he sees cause, disallow them or any part of them, notwithstanding the warrant of the treasury, and the allowance of the auditor, founded thereon.

Your Committee finding, that Mr. Paxton had actually passed no account, during the whole time of his being solicitor to the treasury, proceeded to enquire, whether any large sums of public money had been entrusted to him, and find, that he stands insuper 5,382*l.* 18*s.* 1*d.* for money paid over to him by Mr. Cratcherode, when the said Mr. Paxton was his assistant; they also find, that he stands charged upon the imprest rolls with a sum of 89,314*l.* 19*s.* 2½*d.* upon account; so that the whole sum of public money, with which he stands charged, is no less than 94,697*l.* 17*s.* 3½*d.*

It also appears to your Committee, that, besides the said sums, they have already discovered, that Mr. Thomas Lowther, one of the messengers of the treasury, has paid to the said Mr. Paxton one sum of 1,500*l.* by virtue of a minute of the treasury; for which sum neither the said Lowther, nor the said Paxton, are public accomptants.

But your Committee are utterly unable to discover, by what arts and methods Mr. Paxton could evade passing any account during the time of his being solicitor of the treasury, which is upwards of eleven years; especially as it appears to your Committee, that it was the duty of the said treasury, to oblige him to prosecute all such accomptants, as should appear to be in arrear by the certificates of the auditors of the imprests; for your Committee find, from a report of the said auditors, (which is hereunto annexed by way of appendix) that, by a warrant of the treasury dated the 16th of August 1711, and signed Oxford, the solicitor of the treasury is directed to take care, that the process be regularly issued against such imprest accomptants as shall appear to be in arrear, by the certificates of the auditors of the imprests, to the queen's remembrancer; as also against all persons standing insuper upon an imprest, or other accounts; which warrant was confirmed in his late majesty's reign, as follows, viz.

'Whitehall, Treasury-Chambers, 18 'November, 1717.—Present, lord Stan-'hope, lord Torrington, Mr. John Wallop, 'Mr. Baillie.—Renew the order to the 'solicitor of the treasury to prosecute 'supers upon accomptants.'

And your Committee are at a loss to determine, what motives could induce the commissioners of the treasury, to continue the said Mr. Paxton so many years in the office of solicitor of the treasury, and to direct, that such large sums of public money should, from time to time, be lodged in his hands; when they must have been informed, by the half-yearly certificates, delivered in to them by the auditors of the imprests, that he had past no accounts from the time of his first appointment to be solicitor of the treasury, which was on the 22d of December 1730.

Your Committee, the better to be enabled to discover, by what services the said Mr. Paxton could deserve such singular and extraordinary indulgence, did, on Friday last, direct the keeper of Newgate to bring him before them; and, upon his being called in, the former question was again repeated to him, viz.

'Did you advance any money to Mr. 'John Jones, on the account of Mr. Bo-'teler, about the time of the election at 'Wendover in 1735?' Upon which he desired, that his former answer to the said question might be read. Which being read accordingly; he repeated the very same words, viz. 'I will not answer that 'question, as it may tend to accuse my-'self.' Whereupon he was asked, Whether the apprehension that it might tend to accuse himself, was his only reason for not answering? He said, 'That is my 'principal reason.' Whereupon he was ordered to withdraw.

*Gwyn Vaughan*, esq. being examined, he was asked, If he knew of any sum or sums of money, paid out of the salary or profits of any place or office under the government? To which he answered, 'I do not 'know of any, at this time.' Being then farther asked, If he knew of any paid within these ten years? he desired to know, Whether he was to include himself, or only others? He was then informed, that the question was general, and included all persons. Then he said, that he was apprehensive, that an answer to that ques-

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tion might in part affect himself; and therefore desired to be excused answering. Whereupon he was ordered to withdraw. And upon his being called in again; he was acquainted by the chairman, that the Committee had considered of his objection to the question put to him, and would not press it farther at that time.

Your Committee are now proceeding, with all possible dispatch, in prosecuting the enquiry into the conduct of the earl of Orford, during the last ten years of his being first commissioner of the treasury, and chancellor and under-treasurer of his majesty's exchequer; but they cannot conclude this Report, without representing to the House, the great difficulty they labour under, from this obstinate and contemptuous behaviour of Mr. Paxton, who appears to have been directly or indirectly concerned in most of the transactions, into which they have hitherto enquired; and when they consider the very large sums which have been issued to him, during the time of his being solicitor to the treasury, and that no effectual methods were ever taken to oblige him to account for any part thereof, (a circumstance, which could not arise from mere negligence or inattention) when they consider that the strong and well-grounded remarks made on his accounts by the deputy auditor of the imprests, were instantly followed by a warrant of the treasury, directing the auditor to allow his accounts; when they consider, what strong suspicions must arise from the foregoing evidence, that some part, at least, of the money in his hands, may have been employed in practices dangerous to the liberties of this nation, and destructive of the independency of parliaments; they cannot help observing that this perseverance in refusing to answer, seems to take its rise from a premeditated scheme, to obstruct and frustrate their enquiry; and, should it pass unregarded, may probably communicate itself to other persons, whom they shall have occasion to call before them; and, by that means, render it impossible to lay a clear state of affairs before the House.

Your Committee therefore thought themselves obliged in duty to report these matters specially to the House, and do humbly submit the same to their consideration.

*A Bill to indemnify Evidence against Robert Earl of Orford passes the Commons.*] May 18. Then a motion being made by lord Limerick, and seconded by sir John St. Aubin, "That leave be given to bring in a Bill for indemnifying such persons as shall, upon examination, make discoveries touching the disposition of public money, or concerning the disposition of offices, or any payments or agreements in respect thereof, or concerning other matters, relating to the conduct of Robert earl of Orford," after debate, a Bill was ordered in accordingly, on a division, Ayes 251, Noes 228.

May 18. The said Bill was read a second time; and after debate it was resolved, that it be committed to a committee of the whole House: Ayes 228, Noes 216.

Then sir John Hind Cotton moved, That the House do immediately resolve itself into a committee of the whole House upon the said Bill, which was carried in the affirmative, Ayes 233, Noes 221; and the committee went through the Bill, and reported it with several Amendments.

May 19. The Bill was read the third time and passed: On a division, Ayes 214, Noes 186; and sent to the Lords by lord Limerick.*

*Copy of the Bill to indemnify Evidence against Robert Earl of Orford.*] The following is a copy of the said Bill:

"Whereas an enquiry is depending in parliament touching the conduct of Robert earl of Orford, during the last ten years of his being first commissioner of the treasury, and chancellor and under treasurer of his majesty's exchequer; and it is necessary, for the purpose aforesaid, that several persons should be examined in relation to any misapplication, illegal or corrupt disposition of any money granted by parliament for defraying the expences of his majesty's civil government, and better supporting the dignity of the crown of Great Britain, and for enabling his majesty to make an honourable provision for his royal family, and of any other public money; and also in relation to the disposition of any offices and payments, allowances or agreements in respect thereof,

* "This Bill made a rapid progress through the House of Commons. The earl of Orford's friends being persuaded that it would be thrown out by the Peers, they gave it very little opposition. But when it came before the Peers, its progress was stopped." Tindal.



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and concerning other matters relating to the conduct of the said Robert earl of Orford: and whereas, in many cases, discoveries, relating to the said enquiry, cannot be had and obtained, without some indemnification to such person and persons as shall make discovery touching the matters aforesaid: Be it enacted by the king's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that, for the more effectual making the enquiry and discovery aforesaid, all and every person and persons (other than the said Robert earl of Orford) who having been duly summoned, shall, upon his, her, or their being examined or interrogated by either House of Parliament, or any committee of either House, relating to the matters aforesaid, truly and faithfully discover and disclose, to the best of his, her, or their knowledge, remembrance and belief, all such matters and things as he, she, or they shall be examined unto, or interrogated upon, touching or concerning the said enquiry and relative thereunto, shall be, and he, she, and they is, and are hereby freed, indemnified, and discharged of, from, and against all forfeitures, penalties, punishments, disabilities and incapacities which he, she, or they may incur, or become subject to, for, or by reason or means of any matter or thing, which he, she, or they shall, upon his or her, or their being examined, as aforesaid, truly and faithfully discover, disclose and make known, touching or concerning the said enquiry, and relative thereunto; and that all and every person and persons (other than the said Robert earl of Orford) making such discovery as aforesaid, who shall have, hold, or enjoy any office or offices whatever, shall be, and he, she, and they is, and are hereby enabled and made capable to hold, occupy, and enjoy, his, her, or their said office or offices, notwithstanding any forfeiture, penalty, or incapacity whatsoever which such person or persons shall, or may be liable to, in respect of what he, she, or they shall discover as aforesaid; any thing in the act of parliament made and passed in the fifth and sixth years of the reign of king Edward the 6th, against buying and selling of offices, or any thing therein, or any other law or statute to the contrary thereof in anywise notwithstanding.

"Provided always, and be it enacted by the authority aforesaid, That this act, or any herein contained, shall not extend, or be construed to extend, to give any benefit or advantage, or to indemnify, free, or discharge any person or persons from or against any forfeitures, penalties, punishments, disabilities, or incapacities, who, being examined as aforesaid, shall give any false evidence, or make any false discovery, touching or concerning the said enquiry, and relative thereunto; any thing herein to the contrary notwithstanding."

*Debate in the Lords on considering and varying the Standing Orders.**] May 13.

* *From the Secker Manuscript.*

May 13. Being the day appointed for considering the Standing Orders of the House.

*Sandwich.* One lord should not have it in his power to do what may be disagreeable to every lord besides. Some lords have cleared the House when this hath been the case. The House of Commons is an excellent school for such lords as chuse to attend it. Change the orders about clearing the House into this, that when that motion is made, the question shall be put upon it. This is a matter that cannot bear a long debate. And as the House must be cleared for the division, if the question be carried for clearing it, nobody will return into the House, and business will go on.

*Delawar.* This Order about clearing the House is consequential upon several others. A debate upon it may be made to last long. It should be presumed that the Lords are for having the orders of the House observed, and therefore that the majority approve of a motion for clearing the House. In 1715, the House took it into consideration, whether lords' eldest sons being of the House of Commons should be admitted, and upon the second day's debate it went off without determination. The late earl of Scarborough, when a younger brother, was placed by his father behind the throne: a lord going out saw him, and moved that the House might be cleared: but as he kept close, and the House did not see him, business went on. The Orders of the House of Commons, by which any member may clear the House, continue: why should we change ours in their favour? We have an order which forbids lords going to the House of Commons, when either the House or a committee sits.

*Bedford.* If it will be understood that a connivance shall be given to the House of Commons, no more will be insisted on. But they have put themselves to great inconveniences for the Lords, and allowed them to sit in their own places. And our House was cleared about a month ago, when there were not 9 persons to be sent out of it. The majority will always be for clearing the House when it should be cleared. Therefore putting it to the vote

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The order of the day being read, for taking into consideration several of the Standing Orders of this House: the Order of the 25th of January 1720, No. 112, as entered in the roll of Standing Orders, was read, as follows: "That, when an order of the day is appointed to be read, for taking any public business into consideration, the lord on the woolsack do stop the reading of the Order, till the House shall be cleared of all persons that have no right to be in the House when sitting, if any such shall be there at that time."

Then it was moved, "That the same be vacated, in order to substitute another instead thereof." Which being objected to; and debate thereupon: the question was put, "Whether the said Standing Order shall be vacated?" it was resolved in the negative.

Next, the Rule entered in the said Roll, No. 9, was read, as follows: "Every lord that comes after prayers, if he be a baron or bishop, is to pay one shilling; and if he be of any degree above, two shillings for the poor; but every lord who comes not at all, and makes not his just excuse, is to pay five shillings for every day's absence."

Ordered, That the said Standing Rule be vacated.

Then the Standing Order of the 28th of June 1715, No. 62, was read, as follows:

"That on the days causes are appointed to be heard, the cause be called in precisely at eleven o'clock; and no other business to intervene."

Proposed to leave out the words "called in precisely at eleven o'clock;" and instead thereof to insert these words, "the first business proceeded on after prayers." And the same was agreed to.

Then the Standing Order of the 13th of June, 1685, was read, as follows: "That for the future, neither his majesty's Attorney General, nor any assistant to this House, shall be allowed to be of counsel, at the bar of this House, for any private person or persons whatsoever."

Proposed to insert before the word "assistant," the word "other." And the

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will do no harm, or let the order be, that none shall come in but by order of the House, and that no lord shall have leave to bring in any but a member of the House of Commons.

N.C. 77. Of whom bishop of Oxford was one.

C. 35. Of whom bishop of Glocester was one.

Shaftesbury, Coventry, Chedworth, did not vote. Northampton, N. C. Abingdon, C.

Then the Order No. 9, about forfeiting to the Poor's Box if not at prayers, was repealed.

The Order No. 62, was changed thus, That when there is a cause it shall be the business first proceeded on after prayers.

The Order No. 62, about the Attorney and Solicitor General, &c. not pleading in private causes at the bar, was limited thus, 'after he hath taken his place on the woolsack as such.' [Originally the Attorney and Solicitor were not allowed to be members of the House of Commons, but they have been such, I think, since queen Elizabeth's time, though this disqualifies them from sitting as assistants to the House of Lords. The Chancellor had a day or two before interpreted the Order as implying the limitation now given to it, and lord Darnley had said his interpretation was not consistent with common sense, and some other harsh expressions he used, upon which, the Chancellor desired the protection of the House, and it was moved that lord Darnley's words should be taken down. The duke of Bedford desired that they might be understood to be his words also. But the debate subsided.]

The 96th Order was changed into one for printing Private Bills before the second reading.

These things were done at lord Delawar's motion.

*Abingdon.* The lord Abingdon moved, That lords might be allowed to have each three proxies. [It is said the number was unlimited, till once a single lord, by the help of his proxies, out-voted the rest of the House] and that since, no lord has ever asked leave of the king to leave the House and make a proxy, that might be left out of the orders of the House, and out of the forms of proxies. [It is not mentioned in the forms of proxies which I have seen.] And that as the clergy in convocation may make as many proxies as they please, the Lords may do so too.

*Delawar.* The power of making proxies comes by leave from the crown. Formerly the barons thought it a hardship to attend. And by R. 2, c. 3. a lord, if he doth not attend, and cannot excuse himself to the king, shall be amerced, and the fine in those days was a high one. Formerly more than one proxy was named. Yet in sir Sim. Dewe's Journal, 22 Oct. 1556, it is mentioned as an extraordinary thing, that a temporal lord should make two proxies. In the first parliament of Eliz. a lord by licence made a proxy to 3 conjunction and division: one of them gave consent to a Bill, the other two said not content. This was held to be no votes. Several lords do ask leave of the king before they go out of town, and all ought to do it.

*Abingdon.* Several proxies may be so named, as that only the first shall vote if present: if not, the second.

The Motion was disapproved without a division.



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same was agreed to. Also proposed after the words " to this House," to insert these words " after having taken his place on the woolsacks as such." And that variation was likewise agreed to.

Then the Standing Order of the 16th of November 1705, No. 96, was read as follows: " That for the future no Private Bill shall be read in this House, until printed copies thereof be left with the clerk of the parliaments, for the perusal of the lords; and that one of the said copies shall be delivered to every person as shall be concerned in the said Bill, before the meeting of the Committee upon such Bill; and, in case of infancy, to be delivered to the guardian, or next relation of full age, not concerned in interest, or in the passing the said Bill."

Proposed to insert after the word " House," these words " a second time." And that addition was also agreed to.

After which the Rule, as entered in the said Roll, No. 79, was read as follows: " All proxies from a spiritual lord shall be made to a spiritual lord, and from a temporal lord to a temporal lord."

Moved to leave out " a," after " made to;" and insert " one or more." The same was objected to. And the question being put upon the said motion: it was resolved in the negative.

Ordered, That the said Roll of Standing Orders be varied and rectified, according to the aforegoing directions.

*Debate in the Lords on the Bill to indemnify Evidence against Robert Earl of Orford.**] May 25. On the motion for committing this Bill,†

Lord *Carteret* rose and said:

My lords; as the question now before us is of the highest importance both to the present age and to posterity, as it may direct the proceedings of the courts of justice, prescribe the course of public enquiries, and by consequence affect the property or life of every lord in this assembly; I hope it will be debated amongst us without the acrimony which arises from the prejudice of party, or the violence which is produced by the desire of victory, and that the controversy will be animated by no other passion than zeal for justice and love of truth.

For my part, my lords, I have reason to believe, that many professions of my sincerity will not be necessary on this occasion, because I shall not be easily suspected of any partiality in favour of the noble lord to whom this Bill immediately relates. It is well known to your lordships how freely I have censured his conduct, and how invariably I have opposed those measures by which the nation has been so far exasperated, that the Bill, now under our consideration, has been thought necessary by the Commons, to pacify the general discontent, to restore the public tranquillity, and to recover that confidence in the government, without which no happiness is to be expected, without which the best measures will always be obstructed by the people, and the justest remonstrances disregarded by the court.

But however laudable may be the end proposed by the Commons, I cannot, my lords, be so far dazzled by the prospect of obtaining it, as not to examine the means

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* From the Gentleman's Magazine: compiled by Dr. Johnson.

† *From the Secker Manuscript.*

May 25. On the 2d Reading of the Bill for indemnifying Persons who shall make Discoveries concerning the Earl of Orford's Conduct.

*Carteret.* I have several objections to several parts of this Bill, but if they were altered, the whole is wrong. It is beyond any former precedents; but I shall not trouble the House with these. It is contrary to natural justice, to the law of England, to the usage of parliament, and to the honour of this House. No person ought to be glanced at as a criminal, without first establishing some charge. There must be a 'corpus delicti,' corps de delit: which there is not in this case. The Bill gives indemnity to bad persons for speaking against a man not accused of any particular fact. Now the fact, the discovery to be made, and the reward to be given, should be all certain and fixed. There is no instance of an indemnity offered without these three. It would be criminal in a private person to advertise, that he will reward any one who will give evidence against such a person. It is worse than applying to a single person to become an evidence. That person may be an honest man. But this is applying to rogues as well as others. Supposing the crown were to promise a pardon by proclamation in this general way, it would be illegal, and the minister who advised it would be punishable for it. If, then, the legislature do it, this makes it legal, but not right. And all writers talk this language from Cicero to Grotius. The common law of England is perhaps over scrupulous in the case of evidence. In civil causes, no man can be received, much less credited, as a witness, where he hath any

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to which we are invited to concur, and enquire with that attention which the honour of sitting in this House has made my duty, whether they are such as have been practised by our ancestors, such as are prescribed by the law, or warranted by prudence.

The caution, my lords, with which our ancestors have always proceeded in enquiries by which life or death, property or reputation was endangered, the certainty, or at least the high degree of probability, which they required in evidence, to make it a sufficient ground of convic-

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interest. Now, in the present case, persons may have a great interest. In criminal causes there must be a fact certain, a discovery certain, a reward certain. In the Courts of Justice a man falsly sworn against, may have a copy of his indictment and a remedy. But in this Bill no remedy can be had, if the person mentioned in it be falsly sworn against. In this Bill persons are allowed and encouraged to discover upon their belief. Now it is never allowed in law for persons to swear upon their belief unless in the case of hand-writing.

The House of Commons may do right to exercise a power within their own walls, which we shall never admit if they come to us to confirm it. The Secret Committee can have no more power than the House, and the House hath no power to get evidence in the way they are aiming at. The power of the Commons hath been increasing. They have found out a method of examining upon oath by the help of a justice of peace. I do not blame this amongst themselves; but never give a sanction to it here. For no magistrate can administer an oath when there is no cause before him, and therefore administering an oath before the House of Commons is punishable. A person can have no remedy against any one that swears falsly against him in this way. This House hath a right to evidence upon oath; the other hath not. It may be proper to connive at them, but never to help them. When the fact is certain, you may go lengths for the *salus populi*, but do *rectum rectè*. In the case of Cooke, the Commons sent up a Bill, in which the fact, discovery and reward were specified, yet this House did not pass it but brought in another, in which he indeed was indemnified, but it was at his own request.

The person named in this Bill is a peer. He should not be screened, but some regard should be had to this. And an oath against a peer *coram non judice* should not be allowed. This Bill will make that legal evidence which now is not. The expression "all persons whatsoever" in an act, doth not include peers unless they are named.

Passing this Bill is an anticipation of judicature. The person concerned may come before you judicially. And you are to suppose nothing, and throw out no insinuations in the mean time. There may be precedents in some degree, but they were when the minds of men were heated.

You can believe no evidence that comes by virtue of this Bill. They may be competent witnesses, but not credible. What crime is there which persons may not get pardoned, if they will contrive to bring it into their evidence against this man?

This Bill alone will not do. When persons are indemnified, they are contumacious if they will not answer. Punishing men for not answering is torturing them. Imprisonment is torture. Mens' minds have never been reconciled to such Bills as these when they have passed with the best reason.

After a long silence,

*Talbot.* I rise up only to give time to others to consider how they will carry on the debate.

The lawyers lay it down, that whatever tends to the discovery of truth is a maxim of justice. This was held in Atterbury's Case. Cooke's Bill as sent up from the Commons, was a Bill of pains and penalties, and was changed into such a one as this. There is in the present case a larger sum of money not accounted for as there was in Cooke's, so that here is a certain fact. Cooke desired to be indemnified from Scandalum Magnatum, not from any misapplication of the money. The Commons will not by this Bill become a court of judicature. In the case of Porteus, a reward was offered to any person that would swear another to be guilty.

*Hervey.* This Bill is contrary not only to what hath been said, but to the humanity of men. I had much ado to keep from speaking against it at the first reading. If you consent to this Bill, you vote yourselves useless. You are not apprized of the guilt of the person concerned in this Bill, and yet you treat him as the worst of criminals. Here is one singled out to be hunted: will you act like other animals, and for that reason only, drive him from you? Unless you believe him in general criminal, there is no shadow for this Bill: which is the first indignity of the kind offered to this House, and it is the last indignity. It should not only be rejected, but have some mark of dislike put upon it. It is contrary to every principle that ever obtained. The guilty are rewarded by it, and the innocent declared guilty. If any person can interweave a confession of his own crime with an accusation of the person mentioned in the Bill, he is safe, provided any question leads at all to such a confession. So that to confess his own guilt would be all a man would aim at in his answer. 'Did lord Orford give 5 guineas at such an election?' 'Yes, for I saw the man take it, and I murdered him.' There is not a hackney phrase applicable to tyrants and tyranny, that may not be applied to this Bill, and it is the worse for carrying on a farce of justice. There is no reason alleged for it: the report is not before us: or if it were,

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tion, is universally known; nor is it necessary to show their opinion by particular examples, because being no less solicitous for the welfare of their posterity than for their own, they were careful to record their sentiments in laws and statutes, and to prescribe with the strongest sanctions to succeeding governments, what they had discovered by their own reflections, or been taught by their predecessors.

They considered, my lords, not only how great was the hardship of being un-

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it is only a pamphlet, no foundation for us to proceed on. There never was any thing like this Bill since the creation of the world, but the two proscriptions in the Roman Empire, the two only ones that ever were any where. In these there was a pecuniary reward, for whoever would bring the head of such a one. In this, here is indemnity, which is more than money, for whoever will bring such evidence as will take a man's head. I am almost ashamed to mention particulars. It is like some letters one hath heard of, in which, by some fatality, no one word is right spelt. Every sentence in it is contrary to the rules of justices. 'Whereas an enquiry is depending'—We know of no enquiry. And how is it depending in parliament? The Bill hath such a repletion of evils in it, that no evacuations can cure it. It calls the Civil List public money, which is indeed not public money, but is appropriated to the king for such uses as he thinks fit. The Bill is not as it sets forth, for the more effectual making, but the preventing of proper enquiry. The only crimes come at, will be those of other persons. As soon as a man hath confessed his own guilt, he will only say, 'I believe' or 'I do not remember,' &c. Relative thereunto—To we know not what, but only know to whom. The Proviso at the end is only, that if two and three make six, then, &c. For how shall it be proved whether men make false discoveries or not?

What can be the reason of such a Bill as this? It was declared, that nothing protected this man but his power. Now his power is gone. They who have been loudest in exclaiming against him, have had the largest powers given them that ever were given in this country, they are persons of ability, and willingness, and they say we can find nothing: but let us issue out a proclamation of indemnity to whoever can prove him to have done wrong in any one particular. Any person that should dislike any one lord in this House, might just with the same reason propose the same thing. Suppose this were told of some vizier in Turkey, that every body had been railing at him and saying, that nothing but the Sultan protected him, that then he was deposed, his enemies appointed to examine his conduct, that they could find nothing against him, and therefore offered money to whoever would accuse him, should we not think how happy we were that we did not live in such a country? I have as many more objections behind those as I have advanced.

*Argyle.* I wish the fate of this Bill were to be decided upon oath. It is necessary, if the preservation of our liberties be. Lords in power, for obvious reasons, are fond of modern precedents. The Bill from the Commons relating to sir Thomas Cooke was to force him. You let that lie upon your table, and sent them a Bill to indemnify him, which they passed. In the case of the earl of Macclesfield the masters in Chancery were or thought they might be affected: you indemnified them. In the case of Thomson and another, there is an indemnification that every way hits this case. I desire it may be read. I have 12 cases relating to frauds in the customs and excise, where persons are indemnified and bribed. The cases of the East India and South Sea Companies also may be read.

The public hath a right to the evidence of every individual of the society. And yet no man can be bound to accuse himself. Now there is no right without a remedy, and by what means can both these rights be preserved but by such a Bill as this? My noble friend who spoke last hath made a supposition. I also will make one. Suppose a man to creep into such favour with his prince as to dispose of every thing for many years, then willing or forced to retire, but leaving behind him most of the ministers who had acted with him, and of the persons whose employments were received from him, and continuing in favour with the king. After he had undone foreign affairs, ruined the finances, misapplied the public treasure, how can his conduct be examined but by such a method as this? I have not heard a minister these many years speak of the danger of the House of Commons encroaching upon us. They were all for complying. The present power is one they have long exercised. The evidence before the Secret Committee is not brought there to convict. I hope I shall never see a Bill of Attainder again. We had one seven years ago, not much for our honour, (in the case of Porteous.) I like an impeachment much better. It will never hurt innocence, and may often save a nation. All the evidence are to be examined here on oath, and if they perjure themselves here, they may be convicted. Making way for evidence in the only manner you can, and in which you often have, is not anticipating judicature. Witnesses themselves criminal, are credited every day, and why not here?

There is no danger now of our being voted useless. I rather fear we shall be said to be extremely useful, and wish we may not be thought dangerous.

I wonder any one should think the Civil List is not public money. Say this, and there is an end of our constitution. It is treason against the king and people to apply the Civil

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justly condemned, but likewise how much a man might suffer by being falsely accused; how much he might be harrassed by a prosecution, and how sensibly he might feel the disgrace of a trial. They knew that to be charged with guilt implied some degree of reproach, and that it gave room at least for an inference that the known conduct of the person accused was such as made it probable, that he was still more wicked than he appeared; they knew that the credulity of some might admit

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List to making or bribing members. It is given without account: but if a minister apply it wrong he is accountable. Were I an innocent man in the case of the noble earl, I would solicit to have a strict enquiry. There was a time when I thought I had served my king and my country well. I was entertained upon my return with the rewards I was to receive. Soon after this I was turned out: all methods used to enquire into my conduct: a person pardoned to be evidence against me: I gave my opinion for his pardon, for I knew my innocence, and I was never accused.

In the Bribery Act, 2 G. 2, c. 24, every man convicted of having given money shall forfeit 500*l*. But if any person offending shall within 12 months discover any other, he shall be indemnified from all he hath done against that act. Persons were indemnified on discovering the estates of the South Sea Directors.

*Cholmondeley.* So frequent and so near divisions were never known in the House of Commons as upon this enquiry. If this Bill pass, there will remain no rule even for the Judges to go by. It is contrary to all that hath ever been thought law. The enquiry about sir Thomas Cooke was carried on by a committee of both Houses. He had often refused to account: the suspicions were strong, if it was not notorious, that money had been given to members of each House. He says he is willing to give evidence about the distribution of 87,000*l*. This was the only thing that could save him. Whereas there is not the suspicion of a crime against the earl of Orford. In the case of the earl of Macclesfield, upon the complaints of the suitors in the court, a commission was issued by the crown, great faults appeared, an impeachment was ordered, and it was not till then, that a Bill of Indemnity was brought: and the Masters in Chancery consented to the Bill to indemnify them from two particular statutes. In the case of Thomson, every step relating to the affair was laid before this House before the Bill.

Nobody can be sure of the indemnity seeming to be given here. But every body is invited to perjury. The cases of Frauds in the Customs, or Excise; of South Sea, or East India Company, are very different. They were notorious facts. A person falsly accused, may have the benefit of the penalties upon his accusers. But in such a committee he cannot.

*Berkley* of Stratton. No wonder if the whole nation is against the person named in the Bill. I have felt the weight of his power with insult added to it. But not to state one fact in ten years time, and then in a dearth of evidence to issue out a proclamation, is wrong proceeding. It is searching for the crime instead of the criminal. I hope they will impeach him, and shall be glad to do justice on him without hurting my own conscience.

*Chesterfield.* I know of no disobligation I have to the earl of Orford; and have no one sentiment of pique against him. I never envied his power, but hoped the end of it would be the end of his measures. And I have a great regard for his abilities, and many able [perhaps, amiable] qualities in social life. The Bill is so far from a proscription, that it is a Bill to hinder enquiry from being impossible, and if it be thrown out, all hope of material justice is proscribed. Almost every enquiry is by application to the guilty. Accomplices are invited every day to a discovery by impunity, and rewards, and even with this condition added, if the person be convicted and not else. Common danger continues the cement of common guilt, and impunity dissolves it. The statutes about the South Sea and East India Company are to all futurity. Here, then, is no *Corpus delicti*. Were this Bill extended to all ministers hereafter, I would be for it. Had I the honour and misfortune to be a minister now, I would be the first to speak for it. Were the Commons to single me out by such a Bill, I would implore you, that as this aspersion was thrown upon me, you would encourage all evidence in the cage. Here the aspersion is thrown already. There is *Corpus suspicionis*, indeed *delicti*: for it appears there were sums of money given by Paxton. There may indeed be subtleties of law, that take this case a little out of the letter of other cases. Suppose Articles of Impeachment sent up to you, how doth it come proved to you that there is any thing worth your attention in them? It is only on the faith of the other House that you admit them. I speak as an advocate for the cries of the whole nation, whose discontents are founded on domestic poverty and public dishonour. You facilitate your judicature, and make it possible by this Bill. If it be rejected, no evidence will be procured for the future against any minister, There is a great penalty upon perjury before the committee: they have not impunity, and then what should invite them to it? In the supposition of the five guineas mentioned by a noble lord, the man that should confess it would be hanged for the murder. In the case of Cooke, you thought it right to encourage him to speak, though not to torture him into speaking. Now Paxton is accused of misapplying nearly the same sum. A parliament corrupted by a Company, is corrupted only for that job, but corrupted by a minister is corrupted for all his jobs. In Cooke's case the inquiry was par-

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the charge upon evidence that was rejected by the court, and that difference of party, or private quarrels, might provoke others to propagate reports once published, even when in their own opinion they were sufficiently confuted; and that therefore an innocent man might languish in infamy by a groundless charge, though he should escape any legal penalty.

It has therefore, my Lords, been immemorially established in this nation, that no man can be apprehended, or called into

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ticular, and the impunity was so. The present is an enquiry into the whole conduct of a person, and the impunity must be adequate to it, if not, it is frivolous. I will never let it be mentioned that the Civil List is not public money without controverting it. Without account relates only to the receipt not the disbursement. When the crown had a great landed estate, the parliament have enquired whether those lands were applied to proper purposes. Grants have been prevented and resumed. For if the crown spends its estate, it must come upon the public. The jury which tries a man for any crime of which he is accused, notwithstanding this Bill shall judge whether the indemnity reaches to his case, if he hath looked in his crime to secure himself, they will not clear him. But why such a Bill against this person rather than any other? Why, there are suspicions which the Commons, the nation, and the situation of our affairs have raised. Suppose a minister removed from place and not from power, or from both and not from favour, or at least that his successor may think his interest, and the prince his authority concerned in defending him, all Office Evidence will be cut off: and if all real evidence is to be cut off too, what can be done? Rejecting this Bill, is passing one of impunity for all future ministers. When a court aids a prosecution, you may have evidence enough. But are you in the case of an unwilling administration to be tied down by the precedents of a willing one? God forbid you should give a partial sentence on any account. But will you, when the nation cries for an enquiry, lie under the imputation of obstructing it? What you lose in reputation you lose in weight. And if you reject this Bill, it will be a strong reason with me why it ought to be passed.

*Hardwicke, C.* I have given this Bill the most impartial consideration, and will give my opinion as if I had never known the person mentioned in it, or as I would decree in a cause in respect of essentials, and so I would judge of an Impeachment, if it were to come before us. There can be none but prudential reasons for passing this Bill. Nothing is more contrary to the rules of justice, than for evidence to be drawn forth in this manner. These rules have been limited in some cases of necessity and public convenience. In inferior courts this is a thing unheard of, under the laws rewarding discoveries of felonies, a club of men have gone about from assizes to assizes making false discoveries. In laws of this kind the legislature hath always considered the nature of the offence and reward. Suppose a reward of 10,000*l.* were given for discovering a robbery, this would be such a temptation to falsehood as could not be approved. Now, in this Bill the offence and discovery are very doubtfully expressed. A man that owes the public 20,000*l.* that hath committed high treason, if he will swear the earl of Orford into any thing relative to the enquiry depending, shall be free. There hath been no instance of indemnifying every person that will swear against one person. *Corpus suspicionis* is a new term, it is the body of a shadow: that is the foundation of the Bill. In Chancery, in the case of Sacheverell and Pool, a man published an advertisement that he would give 100*l.* to any man that could give evidence in relation to such a marriage. The other side moved the court upon this as a contempt of the court, the gentleman who advertised was committed, and all Westminster-hall were satisfied that this was right. A general advertisement for evidence against a person would be a high misdemeanour, and it would be illegal in the crown. None of the precedents mentioned have any relation to this Bill. There was a particular charge against Cooke. There were particular lords of this House suspected. But would they have named any particular lord, and promised a reward or indemnity for a discovery of any application of money to him? Any person who will discover without oath may by this Bill be indemnified. In Cooke's Bill, he was to be indicted for perjury if he swore false, and they empowered a committee of both Houses to administer the oath. As to the Proviso in the present Bill, the falsehood of a false deposition often cannot be proved. This Bill is enacting a suspicion upon a person not accused. And if the most infamous man shall in consequence of it discover before the House of Commons any fact, you will be obliged to admit him for a competent witness. What, if a judge should not know how to construe this Bill when pleaded. Belief is nothing in evidence. Yet if knowledge, remembrance, and belief are to be construed disjunctively in this Bill, whoever believes the earl of Orford to have been concerned in any criminal fact, shall be indemnified for having been concerned in it himself. And how shall a court of justice know whether any thing be relative to the conduct of the earl of Orford?

The public is indeed intitled to the evidence of every man, but not to every method of coming at that evidence. It is not intitled to the evidence of a man who may gain or lose by his evidence. There was an old law, whereby a felon by accusing another might clear himself. Lord Chief Justice Hales, in his Pleas of the Crown, disapproves it much.

All heinous and all compassionate cases are

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question, for any crime till there shall be proof,—

First, that there is a *corpus delicti*, a crime really and visibly committed; thus before a process can be issued out for enquiring after a murderer, it must be apparent that a murder has been perpetrated, the dead body must be exposed to a jury, and it must appear to them that he died by violence. It is not sufficient that a man is lost, and that it is probable that he is murdered, because no other reason of his absence can be assigned; he must be found with the marks of force upon him, or some circumstances that may make it credible, that he did not perish by accident or his own hand.

It is required, secondly, my lords, that he who apprehends any person as guilty of the fact thus apparently committed, must suspect him to be the criminal; for he is not to take an opportunity afforded him by the commission of an illegal act, to gratify any secret malice, or wanton curiosity, or to drag to a solemn examination, those against whom he cannot support an accusation.

And, my lords, that suspicion may not ravage the reputation of Englishmen without controul; that men may not give way to the mere suggestions of malevolence, and load the characters of those with atrocious wickedness, whom perhaps they have no real reason to believe more depraved than the bulk of mankind, and whose failings may have been exaggerated in their eyes by contrariety of opinion, or accidental competition, it is required in the third place, my lords, that whoever apprehends or molests another on suspicion of a crime, shall be able to give the reasons of his suspicion, and to prove them by competent evidence.

These, my lords, are three essentials which the wisdom of our ancestors has made indispensably previous to the arrest or imprisonment of the meanest Englishman; it must appear, that there is a crime committed, that the person to be seized is suspected of having committed it, and that the suspicion is founded upon probability. Requisites so reasonable in their own nature, so necessary to the protection of every man's quiet and reputation, and by consequence so useful to the security and happiness of society, that I suppose they will need no support or vindication. Every man is interested in the continuance of this method of proceeding, because no man is secure from suffering by the interruption or abolition of it.

Such, my lords, is the care and caution which the law directs in the first part of any criminal process,—the detainment of the person supposed guilty: nor is the method of trial prescribed with less regard to the security of innocence.

It is an established maxim, that no man can be obliged to accuse himself, or to answer any questions which may have any tendency to discover what the nature of his defence requires to be concealed. His guilt must appear either by a voluntary and unconstrained confession, which the

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apt to produce bad precedents. This is a saying of Hales. Persons should not suffer passions warmed by virtuous motives to run away with them, and make precedents which at length will become bad. If this Bill be necessary to preserve the constitution, how hath the constitution subsisted to this day without this Bill?

Thomson and Robinson became felons by law, before the Bill relating to them was brought in. I know of no instance of such a Bill as the present. A Bill of pains and penalties changes the course of proceedings, and the persons who are to judge: but they are still to judge according to evidence. But this Bill changes the evidence itself, making persons witnesses who could not be witnesses, tempting them with rewards, which never were given before by a law *ex post facto*.

The Civil List being given without account must mean, that the disbursements are not to be accounted for as well as the receipts.

This Bill indemnifies all the rogues in the three kingdoms, if they will come in for a particular purpose. I had rather suffer by such a Bill than vote for it.

*Newcastle.* If not passing this Bill will put an end to the Enquiry, what is the consequence? [i. e. it is not to the honour of the earl of Orford.] It is not right to go out of the common road of enquiries. There may be prosecutions hereafter set on foot by ministries, and carried on under colour of such a Bill as this.

*Bathurst.* If I was sure of my innocence, I should not perhaps care for the trouble that such a Bill as this might give me. Yet love to my character would weigh much with me to be for it. Things of this kind are only just by necessity. An administration will never want such a Bill: they can take other methods, and therefore the precedent of passing it will do them no service.

*Ilay.* This Bill is but a preliminary one. It must be enforced with another of pains and penalties.

Question, to commit the Bill.

N. C. 109. Of whom the Duke was one.

C. 57. Of whom bishop of Glocester one.

The bishop of Oxford did not vote,



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terrors of conscience have sometimes extorted, and the notoriety of the crime has at other times produced, or by the deposition of such witnesses as the jury shall think worthy of belief.

To the credibility of any witness it is always requisite that he be disinterested, that his own cause be not involved in that of the person who stands at the bar, that he has no prospect of advancing his fortune, clearing his reputation, or securing his life. For it is made too plain by daily examples, that interest will prevail over the virtue of most men, and that it is not safe to believe those who are strongly tempted to deceive.

There are cases, my lords, where the interest of the person offering his evidence is so apparent, that he is not even admitted to be heard; and any benefit which may possibly be proposed, is admitted as an objection to evidence, and weakens it in a measure proportionate to the distance of the prospect and the degree of profit.

Such are the rules hitherto followed in criminal proceedings, the violation of which has been always censured as cruelty and oppression, and perhaps always been repented even by those who proposed and defended it, when the commotions of party have subsided, and the heat of opposition and resentment has given way to unprejudiced reflection.

Of these rules, my lords, it is not necessary to produce any defence from the practice of distant nations, because it is sufficient in the present case, that they are established by the constitution of this country, to which every Briton has a right to appeal: for how can any man defend his conduct, if having acted under one law, he is to be tried by another.

Let us therefore, my lords, apply these rules to the present bill, and enquire what regard appears to have been paid to them by the Commons, and how well we shall observe them by concurring in their design.

With respect to the first, by which it is required, that there be a known and manifest crime, it does not appear to have engaged the least attention in the other House; for no fact is specified in the bill upon which a prosecution can be founded, and therefore to enquire after evidence is somewhat preposterous: it is nothing less than to invite men to give their opinion without a subject, and to answer without a question.

It may be urged, indeed, that there is a universal discontent over the whole nation; that the clamour against the person mentioned in the bill, has been continued for many years; that the influence of the nation is impaired in foreign countries; that our treasury is exhausted; that our liberties have been attacked, our properties invaded, and our morals corrupted; but these are yet only rumours, without proof and without legal certainty; which may indeed with great propriety give occasion to an enquiry, and perhaps by that enquiry some facts may be ascertained which may afford sufficient reasons for farther procedure.

But such, my lords, is the form of the bill now before us, that if it should pass into a statute, it would, in my opinion, put a stop to all future enquiry, by making those incapable of giving evidence, who have had most opportunities of knowing those transactions, which have given the chief occasion of suspicion, and from whom therefore the most important information must naturally be expected.

The first requisite qualification of a witness, whether we consult natural equity and reason, or the common law of our own country, is disinterestedness; an indifference with regard to all outward circumstances, about the event of the trial at which his testimony is required. For he that is called as a witness where he is interested, is in reality giving evidence in his own cause.

But this qualification, my lords, the bill now before us manifestly takes away; for every man who shall appear against the person into whose conduct the House of Commons are enquiring, evidently promotes, in the highest degree, his own interest by his evidence, as he may preclude all examination of his own behaviour, and secure the possession of that wealth which he has accumulated by fraud and oppression, or perhaps preserve that life which the justice of the nation might take away.

Nothing, my lords, is more obvious than that this offer of indemnity may produce perjury and false accusation; nothing is more probable than that he who is conscious of any atrocious villainies, which he cannot certainly secure from discovery, will snatch this opportunity of committing one crime more, to set himself free from the dread of punishment, and blot out his own guilt for ever, by charging lord Orford as one of his accomplices.

It may be urged, my lords, that he who shall give false evidence, forfeits the

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indemnity to which the honest witness is entitled; but let us consider why this should be now, rather than in any former time, accounted a sufficient security against falshood and perjury. It is at all times criminal, and at all times punishable, to commit perjury; and yet it has been hitherto thought necessary, not only to deter it by subsequent penalties, but to take away all previous temptations; no man's oath will be admitted in his own cause, though offered at the hazard of the punishment inflicted upon perjury. To offer indemnity to invite evidence, and to deter them from false accusations by the forfeiture of it, even though we should allow to the penal clause all the efficacy which can be expected by those who proposed it, is only to set one part of the bill at variance with the other, to erect and demolish at the same time.

But it may be proved, my lords, that the reward will have more influence than the penalty; and that every man who can reason upon the condition in which he is placed by this bill, will be more incited to accuse lord Orford, however unjustly, by the prospect of security, than intimidated by the forfeiture incurred by perjury.

For, let us suppose, my lords, a man whose conduct exposes him to punishment, and who knows that he shall not long be able to conceal it; what can be more apparently his interest, than to contrive such an accusation as may complicate his own wickedness with some transactions of the person to whom this bill relates? He may indeed be possibly confuted, and lose the benefit offered by the state; but the loss of it will not place him in a condition more dangerous than that which he was in before; he has already deserved all the severity to which perjury will expose him, and by forging a bold and well-connected calumny, he has at least a chance of escaping.

Let us suppose, my lords, that the Bill now under our consideration assigned a pecuniary reward to any man who should appear against this person, with a clause by which he that should accuse him falsly should be dismissed without his pay; would not this appear a method of prosecution contrary to law, and reason, and justice? Would not every man immediately discover, that the witnesses were bribed, and therefore they would deserve no credit? And what is the difference between the advantage now offered and any other consideration, except that scarcely any other reward can be offered so great, and consequently so likely to influence? It is to be remembered, that the patrons of this Bill evidently call for testimony from the abandoned and the profligate, from men whom they suppose necessarily to confess their own crimes in their depositions: and surely wretches like these ought not to be solicited to perjury by the offer of a reward.

How cruel must all impartial spectators of the public transactions account a prosecution like this? What would be your lordships' judgment, should you read, that in any distant age, or remote country, a man was condemned upon the evidence of persons publicly hired to accuse him, and who, by their own confession, were traitors to their country?

That wickedness, my lords, should be extirpated by severity, and justice rigorously exercised upon public offenders, is the uncontroverted interest of every country; and therefore it is not to be doubted, that in all ages the reflections of the wisest men have been employed upon the most proper methods of detecting offences; and since the scheme now proposed has never been practised, or never but by the most oppressive tyrants, in the most flagitious times, it is evident, that it has been thought inconsistent with equity, and of a tendency contrary to public happiness.

I am very far, my lords, from desiring that any breach of national trust should escape detection, or that a public office should afford security to bribery, extortion, or corruption. I am far from intending to patronise the conduct of the person mentioned in the present Bill. Let the Commons proceed with the utmost severity, but let them not deviate from justice. If he has forfeited his fortune, his honours, or his life, let them by a legal process be taken from him; but let it always be considered, that he, like every other man, is to be allowed the common methods of self-defence; that he is to stand or fall by the laws of his country, and to retain the privileges of a Briton, till it shall appear that he has forfeited them by his crimes.

To censure guilt, my lords, is undoubtedly necessary, and to enquire into the conduct of men in power incontestably just; but by the laws both of heaven and earth, the means as well as the end are prescribed, 'rectum rectè, legitimum legitime faciendum,' we must not only propose a good end in our conduct, but must attain it by



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that method which equity directs and the law prescribes.

How well, my lords, the law has been observed hitherto on this occasion, I cannot but propose that your lordships should consider. It is well known, that the Commons cannot claim a right to administer an oath, and therefore can only examine witnesses by simple interrogatories. That they cannot confer upon a committee the power which they have not themselves, is indubitably certain; and therefore it is evident that they have exceeded their privileges, and proceeded in their enquiry by methods which the laws of this nation will not support.

That they cannot, my lords, in their own right administer an oath, they apparently confess by the practice of calling in on that occasion a justice of the peace, who, as soon as he has performed his office, is expected to retire. This, my lords, is an evident elusion, for it is always intended, that he who gives an oath, gives it in consequence of his right to take the examination; but in this case the witness takes an oath *coram non judice*, before a magistrate that has no power to interrogate him, and is interrogated by those who have no right to require his oath.

Such, my lords, is my opinion of the conduct of the committee of the House of Commons, of whom I cannot but conclude that they have assumed a right which the constitution of our government confers only on your lordships as a court of judicature, and therefore cannot think it prudent to confirm their proceedings by an approbation of this Bill.

The Commons may, indeed, imagine that the present state of affairs makes it necessary to proceed by extraordinary methods; they may believe that the nation will not be satisfied without a discovery of those frauds which have been so long practised, and the punishment of those men by whom they have so long thought themselves betrayed and oppressed; but let us consider, that clamour is not evidence, and that we ought not either to recede from justice, or from our own rights, to satisfy the expectations of the people.

To remonstrate against this invasion of our privileges, my lords, might be at this juncture improper; the dispute might in this time of commotion and vicissitude distract the attention of those to whom the public affairs are committed, retard the business of the nation, and give our enemies those advantages which they can never hope from their own courage, or policy, or strength. It may, therefore, be prudent on this occasion, only not to admit the right which they have assumed, to satisfy ourselves with retaining our privileges, without requiring any further confirmation of them, and only defeat the invasion of them by rejecting the Bill, which is indeed of such a kind as cannot be confirmed without hazarding not only our own rights, but those of every Englishman.

For here is a species of testimony invited, which is hitherto unknown to our law, and from which it may be difficult to tell who can be secure: the witnesses are required to disclose all matters relating to the conduct of lord Orford, "according to the best of their knowledge, remembrance, or belief!" A form of deposition, my lords, of great latitude; a man's belief may be influenced by the report of others who may deceive him, by his observation of circumstances either remote in themselves, or imperfectly discovered, or by his own reasonings, which must be just or fallacious according to his abilities; but which must yet have the same effect upon his belief, which they will influence, not in proportion to their real strength, but to the confidence placed in them by himself.

There is only one case, my lords, in which, by the common course of proceedings, any regard is had to mere belief, and this evidence is only accepted on that occasion, because no other can possibly be obtained. When any claim is to be determined by written evidences, of which, in order to prove their validity, it is necessary to enquire by whom they were drawn or signed; those who are acquainted with the writing of a dead person, are admitted to deliver, upon oath, their "belief" that the writing ascribed to him, was or was not his; but such secondary witnesses are never called when the person can be produced whose hand is to be proved.

There is yet another reason for which it is improper to admit such evidence as this Bill has a tendency to promote. It is well known, that, in all the courts of common law, the person accused is in some degree secured from the danger of being overborne by false accusations, by the penalty which may be inflicted upon witnesses discovered to be perjured; but in the method of examination now proposed, a method unknown to the constitution, no

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such security can be obtained, for there is no provision made by the laws for the punishment of a man who shall give false evidence before a committee of the House of Commons.

It may likewise be observed, that this Bill wants one of the most essential properties of the law, perspicuity and determinate meaning; here is an indemnity promised to those who shall discover "All that they know, remember, or believe." A very extensive demand, and which may therefore be liable to more fallacies and evasions than can be immediately enumerated or detected. For how can any one prove that he has a claim to the indemnity? He may, indeed, make some discoveries, but whether he does not conceal something, who can determine? May not such reserves be suspected, when his answers shall not satisfy the expectations of his interrogators? And may not that suspicion deprive him of the benefit of the act? May not a man, from want of memory, or presence of mind, omit something at his examination which he may appear afterwards to have known? And since no human being has the power of distinguishing exactly between faults and frailties, may not the defect of his memory be charged on him as a criminal suppression of a known fact? And may not he be left to suffer the consequences of his own confession? Will not the Bill give an apparent opportunity for partiality? And will not life and death, liberty and imprisonment, be placed in the hands of a committee of the House of Commons? May they not be easily satisfied with informations of one man, and incessantly press another to farther discoveries? May they not call some men notoriously criminal to examination, only to secure them from punishment, and set them out of the reach of justice; and extort from others such answers as may best promote their views, by declaring themselves unsatisfied with the extent of their testimony? And will not this be an extortion of evidence equivalent to the methods practised in the most despotic governments, and the most barbarous nations.

It has always been the praise of this House to pay an equal regard to justice and to mercy, and to follow without partiality the direction of reason, and the light of truth; and how consistently with this character, which it ought to be our highest ambition to maintain, we can ratify the present Bill, your lordships are this day to consider. It is to be enquired whether to suppose a man guilty, only because some guilt is suspected, be agreeable to justice; and whether it be rational, before there is any proof of a crime, to point out the criminal.

We are to consider, my lords, whether it is not unjust to hear, against any man, an evidence who is hired to accuse him, and hired with a reward which he cannot receive without confessing himself a man unworthy of belief.

It is to be enquired, whether the evidence of a man who declares only what he "believes" ought to be admitted, when the nature of the crimes allows stronger proof, and whether any man ought to be examined where he cannot be punished if he be found perjured.

A natural and just regard to our own rights, on the preservation of which the continuance of the constitution may depend, ought to alarm us at the appearance of any attempt to invade them; and the necessity of known forms of justice, ought to incite us to the prevention of any innovation in the methods of prosecuting offenders.

For my own part, my lords, I cannot approve either the principles or form of the Bill. I think it necessary to proceed by known precedents, when there is no immediate danger that requires extraordinary measures, of which I am far from being convinced that they are necessary on the present occasion. I think that the certainty of a crime ought to precede in the prosecution of a criminal, and I see that there is in the present case no crime attempted to be proved. The Commons have, in my opinion, already exceeded their privileges, and I would not willingly confirm their new claims. For these reasons, my lords, I openly declare, that I cannot agree to the Bill's being read a second time.

Lord *Talbot*:

My lords; so high is my veneration for this assembly, that it is never without the utmost efforts of resolution that I can prevail upon myself to give my sentiments upon any question that is the subject of debate, however strong may be my conviction, or however ardent my zeal.

But in a very particular degree do I distrust my own abilities, when I find my own opinion contrary to that of the noble lord who has now spoken; and it is no common perplexity to be reduced to the

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difficult choice of either suppressing my thoughts, or exposing them to so disadvantageous a contrast.

Yet, since such is my present state, that I cannot avoid a declaration of my thoughts on this question, without being condemned in my own breast as a deserter of my country, nor utter them without the danger of becoming comtemptible in the eyes of your lordships; I will, however, follow my conscience, rather than my interest; and though I should lose any part of my little reputation, I shall find an ample recompence from the consciousness that I lost it in the discharge of my duty, on an occasion which requires from every good man the hazard of his life.

The arguments of the noble lord have had upon me an effect which they never, perhaps, produced on any part of his audience before; they have confirmed me in the contrary opinion to that which he has endeavoured to maintain. It has been remarked, that in some encounters, not to put to flight is to obtain the victory: and, in a controversy with the noble lord, not to be convinced by him, is to receive a sufficient proof that the cause in which he is engaged is not to be defended by wit, eloquence, or learning.

On the present question, my lords, as on all others, he has produced all that can be urged, either from the knowledge of past ages, or experience of the present; all that the scholar or the statesman can supply has been accumulated; one argument has been added to another, and all the powers of a great capacity have been employed, only to show that right and wrong cannot be confounded, and that fallacy can never strike with the force of truth.

When I survey the arguments of the noble lord, disrobed of those ornaments which his imagination has so liberally bestowed upon them, I am surprised at the momentary effect which they had upon my mind, and which they could not have produced had they been clothed in the language of any other person.

For when I recollect, singly, the particular positions upon which his opinion seems to be founded, I do not find them by any means uncontrovertible; some of them seem at best uncertain, and some evidently mistaken.

That there is no apparent crime committed, and that therefore no legal enquiry can be made after the criminal, I cannot hear without astonishment. Is our commerce ruined, are our troops destroyed, are the morals of the people vitiated, is parliament crowded with dependents, are our fleets disarmed, our allies betrayed, and our enemies supported without a crime? Was there no certainty of any crime committed, when it was moved to petition his majesty to dismiss this person from his councils for ever?

It has been observed, my lords, that nothing but a sight of the dead body can warrant a pursuit after the murderer; but this is a concession sufficient for the present purpose; for if, upon the sight of a murdered person, the murderer may lawfully be enquired after, and those who are reasonably suspected detained and examined; with equal reason, my lords, may the survey of a ruined nation, a nation oppressed with burthensome taxes, devoured by the caterpillars of a standing army, sunk into contempt in every foreign court, and repining at the daily decay of its commerce, and the daily multiplication of its oppressors, incite us to an enquiry after the author of its miseries.

It is asserted, that no man ought to be called into question for any crime, who is not suspected of having committed it. This, my lords, is a rule not only reasonable in itself, but so naturally observed, that I believe it was never yet broken; and am certain no man will be charged with the violation of it, for accusing this person as an enemy to his country.

But he that declares his suspicion, may be called upon to discover upon what facts it is founded; nor will this part of the law produce any difficulty in the present case, for as every man in the nation suspects this person of the most enormous crimes, every man can produce sufficient arguments to justify his opinion.

On all other occasions, my lords, public fame is allowed some weight; that any man is universally accounted wicked, will add strength to the testimony brought against him for any particular offence; and it is at least a sufficient reason for calling any man to examination that a crime is committed, and he is generally reported to be the author of it.

That this is the state of the person into whose conduct the House of Commons are now enquiring, that he is censured by every man in the kingdom, whose sentiments are not repressed by visible influence, that he has no friends but those who have sold their integrity for the plunder of the public, and that all who are not

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enemies to their country, have, for many years, incessantly struggled to drag him down from the pinnacle of power, and expose him to that punishment which he has so long deserved, and so long defied, is evident beyond contradiction.

Let it not therefore be urged, my lords, that there is no certainty of a crime which is proved to the conviction of every honest mind; let it not be said that it is unreasonable to suspect this man, whom the voice of the people, a voice always to be reverenced, has so long condemned.

The method of procuring evidence against him by an act of indemnity has been represented by the noble lord as not agreeable to justice or to law: in the knowledge of the law I am far from imagining myself able to contend with him; but I think it may not be improper to observe, that a person of the highest eminence in that profession, whose long study and great abilities give his decisions an uncommon claim to authority and veneration, and who was always considered in this House with the highest regard, appears to have entertained a very different opinion.

It was declared by him, without the least restriction, that all means were lawful which tended to the discovery of truth, and therefore the public may justly expect, that extraordinary methods should be used upon occasions of uncommon importance.

Nor does this expedient appear to me very remote from the daily practice of promising pardon to thieves, on condition that they will make discoveries by which their confederates may be brought to justice.

If we examine only the equity of this procedure, without regard to the examples of former times, it appears to me easily defensible; for what can be more rational than to break a confederacy of wretches combined for the destruction of the happiness of mankind, by dividing their interest, and making use, for the public good, of that regard for their own safety, which has swallowed up every other principle of action?

It is admitted that wickedness ought to be punished, and it is universally known that punishment must be preceded by detection; any method therefore that promotes the discovery of crimes may be considered as advantageous to the public.

As there is no wickedness of which the pernicious consequences are more extensive, there is none which ought more diligently to be prevented, or more severely punished, than that of those men who have dared to abuse the power which their country has put into their hands; but how they can be convicted by any other means than those which are now proposed, I confess myself unable to discover; for by a very small degree of artifice, a man invested with power may make every witness a partner of his guilt, and no man will be able to accuse him, without betraying himself. In the present case it is evident, that the person of whose actions the Bill now before us is designed to produce a more perfect discovery, has been combined with others in illegal measures which their own security obliges them to conceal, and which therefore the interest of the public demands to be divulged.

That Paxton has distributed large sums for purposes which he dares not discover, we are informed by the Reports of the Secret Committee; and I suppose every body suspects that they were distributed as rewards for services which the nation thinks not very meritorious, and I believe no man will ask what reason can be alleged for such suspicions.

But since it may be possibly suggested, that Paxton expended these sums contrary to his master's direction, or without his knowledge, it may be demanded, whether such an assertion would not be an apparent proof of a very criminal degree of negligence in a man entrusted with the care of the public treasure?

Thus, my lords, it appears in my opinion evident, that either he has concurred in measures which his servile agent, the mercenary tool of wickedness, is afraid to confess, or that he has stood by negligent of his trust, and suffered the treasure of the nation to be squandered by the meanest wretches without account.

That the latter part of the accusation is undoubtedly just, the report of the House of Commons cannot but convince us. It appears that for near eight years, Paxton was so high in confidence, that no account was demanded from him; he bestowed pensions at pleasure, he was surrounded, like his master, by his idolaters; and after the fatigue of cringing in one place, had an opportunity of purchasing with the taxes of the nation, the gratification of tyranny in another.

I presume, my lords, that no man dares assert such a flagrant neglect of so important an office, to be not criminal in a very high degree; to steal in private houses that which is received in trust, is felony by the

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statutes of our country: and surely the wealth of the public ought not to be less secured than that of individuals, nor ought he that connives at robbery to be treated with more lenity than the robber.

Therefore, my lords, as I cannot but approve of the Bill, I move that it may be read a second time; and I hope the reasons which I have offered, when joined with others, which I expect to hear from lords of a greater experience, knowledge and capacity, will induce your lordships to be of the same opinion.

Lord *Hervey:*

My lords; as the Bill now before us is of a new kind, upon an occasion no less new, I have endeavoured to bestow upon it a proportionate degree of attention, and have considered it in all the lights in which I could place it: I have, in my imagination, connected with it all the circumstances with which it is accompanied, and all the consequences that it may produce either to the present age, or to futurity; but the longer I reflect upon it, the more firmly am I determined to oppose it; nor has deliberation any other effect, than to crowd my thoughts with new arguments against it, and to heighten dislike to detestation.

It must, my lords, immediately occur to every man at the first mention of the method of proceeding now proposed, that it is such as nothing but extreme necessity can vindicate; that the noble person against whom it is contrived, must be a monster burthensome to the world; that his crimes must be at once public and enormous, and that he has been already condemned by all maxims of justice, though he has had the subtilty to escape by some unforeseen defect in the forms of law. It might be imagined, my lords, that there were evident marks of guilt in the conduct of the man thus censured, that he fled from the justice of his country, that he had openly suborned witnesses in his favour, or had by some artifice certainly known, obstructed the evidence that was to have been brought against him. It might at least be reasonably conceived, that his crimes were of such a kind as might in their own nature easily be concealed, and that therefore some extraordinary measures were necessary for the discovery of wickedness which lay out of the reach of common enquiry.

But, my lords, none of these circumstances can be now alleged; for there is no certainty of any crime committed, nor any appearance of consciousness or fear in the person accused, who sets his enemies at defiance in full security, and declines no legal trial of his past actions; of which it ought to be observed, that they have by the nature of his employments been so public, that they may easily be examined without recourse to a new law to facilitate discoveries.

The Bill therefore is, my lords, at least unnecessary, and an innovation not necessary ought always to be rejected, because no man can foresee all the consequences of new measures, or can know what evils they may create, or what subsequent changes they may introduce. The alteration of one part of a system naturally requires the alteration of another.

But, my lords, that there is no necessity for this law now proposed, is not the strongest argument that may be brought against it, for there is in reality a necessity that it should be rejected. Justice and humanity are necessarily to be supported, without which no society can subsist, nor the life or property of any man be enjoyed with security: and neither justice nor humanity can truly be said to reside, where a law like this has met with approbation.

My lords, to prosecute any man by such methods, is to overbear him by the violence of power, to take from him all the securities of innocence, and divest him of all the means of self-defence. It is to hire against him those whose testimonies ought not to be admitted, if they were voluntarily produced, and of which, surely, nothing will be farther necessary to annihilate the validity, than to observe that they are the depositions of men who are villains by their own confession, and of whom the nation sees, that they may save their lives by a bold accusation, whether true or false.

That the Bill will indeed be effectual to the purposes designed, that it will crowd the courts of justice with evidence, and open scenes of wickedness never discovered before, I can readily believe; for I cannot imagine that any man who has exposed his life by any flagrant crime, will miss so fair an opportunity of saving it by another. I shall expect, my lords, that villains of all denominations, who are now skulking in private retreats, who are eluding the officers of justice, or flying before the public pursuit of the country, will secure themselves by this easy expedient; and that house-

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breakers, highwaymen, and pickpockets, will come up in crowds to the bar, charge the earl of Orford as their accomplice, and plead this Bill as a security against all enquiry.

That this supposition, however wild and exaggerated it may seem, may not be thought altogether chimerical, that it may appear with how little consideration this Bill has been drawn, and how easily it may be perverted to the patronage of wickedness, I will lay before your lordships such a plea as may probably be produced by it.

A man whom the consciousness of murder has for some time kept in continual terrors, may clear himself for ever, by alleging, that he was commissioned by the earl of Orford to engage, with any certain sum, the vote or interest of the murdered person; that he took the opportunity of a solitary place to offer him the bribe, and prevail upon him to comply with his proposals; but that finding him obstinate and perverse, filled with prejudices against a wise and just administration, and inclined to obstruct the measures of the government, he for some time expostulated with him; and being provoked by his contumelious representations of the state of affairs, he could no longer restrain the ardour of his loyalty, but thought it proper to remove from the world a man so much inclined to spread sedition among the people; and that therefore finding the place convenient, he suddenly rushed upon him and cut his throat.

Thus, my lords, might the murderer represent his case, perhaps, without any possibility of a legal confutation; thus might the most atrocious villanies escape censure, by the assistance of impudence and cunning.

A Bill like this, my lords, is nothing less than a proscription; the head of a citizen is apparently set to sale, and evidence is hired, by which the innocent and the guilty may be destroyed with equal facility.

It is apparent, my lords, that they by whom this Bill is proposed, act upon the supposition that the noble person mentioned in it, is guilty of all those crimes of which he is suspected; a supposition, my lords, which it is unjust to make, and to which neither reason, nor the laws of our country, will give countenance or support.

I, my lords, will much more equitably suppose him innocent: I will suppose that he has, throughout all the years of his administration, steadily prosecuted the best ends, by the best means; that if he has sometimes been mistaken or disappointed, it has been neither by his negligence nor ignorance, but by false intelligence, or accidents not to be foreseen; and that he has never either sacrificed his country to private interest, or procured, by any illegal methods, the assistance and support of the legislature; and I will ask your lordships, whether, if this character be just, the Bill ought to be passed, and doubt not but every man's conscience will inform him, that it ought to be rejected with the utmost indignation.

The reason, my lords, for which it ought to be rejected, is evidently this, that it may bring innocence into danger. But, my lords, every man before his trial is to be supposed innocent, and therefore no man ought to be exposed to the hazards of a trial, by which virtue and wickedness are reduced to a level. A Bill like this ought to be marked out as the utmost effort of malice, as a species of cruelty never known before, and as a method of prosecution which this House has censured.

I did not, indeed, expect from those who have so long clamoured with incessant vehemence against the measures of the ministry, such an open confession of their own weakness. Nothing, my lords, was so frequently urged, or so warmly exaggerated, as the impossibility of procuring evidence against a man in power; nothing was more confidently asserted, than that his guilt would be easily proved when his authority was at an end; and that even his own agents would readily detect him, when they were no longer dependant upon his favour.

The time, my lords, so long expected, and so ardently desired, is at length come; this noble person, whom they have so long pursued with declamations, invectives, and general reproaches, has at length resigned those offices which set him above punishment or trial; he is now without any other security than that by which every other man is sheltered from oppression, the public protection of the laws of his country; but he is yet found impregnable, he is yet able to set his enemies at defiance; and they have therefore now, with great sagacity, contrived a method by which he may be divested of the common privileges of a social being, and may be hunted like a wild beast, without defence, and without pity.

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Where, my lords, can it be expected that malice like this will find an end? Is it not reasonable to imagine that if they should be gratified in this demand, and should find even this expedient baffled by the abilities which they have so often encountered without success, they would proceed to measures yet more atrocious, and punish him without evidence, whom they call to a trial without a crime?

It has been observed by the noble lord who spoke last, that there are crimes mentioned in the Report of the Secret Committee of the House of Commons, or that at least such facts are asserted in it, that an accusation may by easy deductions be formed from them. The Report of that Committee, my lords, with whatever veneration it may be mentioned, by those whose purposes it happens to favour, or of whatever importance it may be in the other House, is here nothing but a pamphlet not to be regarded as an evidence, or quoted as a writing of authority. It is only an account of facts of which we know not how they were collected, and which every one may admit or reject at his own choice, till they are ascertained by proper evidence at our own bar, and which therefore ought not to influence our opinion in the present debate.

Nor is the Bill, my lords, only founded upon principles inconsistent with the constitution of this nation, apparently tending to the introduction of a new species of oppression, but is in itself such as cannot be ratified without injury to the honour of this great assembly.

In examining the Bill, my lords, I think it not necessary to dwell upon the more minute and trivial defects of the orthography and expression, though they are such as might justly give occasion for suspecting that they by whom it was written, were no less strangers to our language than to our constitution. There are errors or falshoods which it more nearly concerns us to detect, and to which we cannot give any sanction, without an evident diminution of our own authority.

It declares, my lords, that there is now an enquiry depending before parliament, an assertion evidently false, for the enquiry is only before the Commons. Whether this was inserted by mistake or design, whether it was intended to insinuate that the whole parliamentary power was comprised in the House of Commons, or to persuade the nation that your lordships concurred with them in this enquiry, it is not possible to determine; but since it is false in either sense, it ought not to receive our confirmation.

If we should pass the Bill in its present state, we should not only declare our approbation of the measures hitherto pursued by the Commons, by which it has been already proved, by the noble and learned lord who spoke first against the Bill, that they have not only violated the law, but invaded the privileges of this House; we should not only establish for ever in a committee of the House of Commons, the power of examining upon oath by an elusive and equivocatory expedient, but we should in effect vote away our own existence, give up at once all authority in the government, and grant them an unlimited power, by acknowledging them the parliament, an acknowledgment which might in a very short time be quoted against us, and from which it would not be easy for us to extricate ourselves.

It has indeed been remarked, that there is a large sum of money disbursed without account, and the public is represented as apparently injured, either by fraud or negligence; but it is not remembered that none but his majesty has a right to enquire into the distribution of the revenue appropriated to the support of his family and dignity, and the payment of his servants, and which therefore cannot in any degree be called public money, or fall under the cognizance of those whom it concerns to inspect the national accounts. Either the civil list must be exempt from enquiries, or his majesty must be reduced to a state below that of the meanest of his subjects; he can enjoy neither freedom nor property, and must be debarred for ever from those blessings which he is incessantly labouring to secure to others.

There is likewise another consideration which my regard for the honour of this assembly suggested to me, and of which I doubt not but that all your lordships will allow the importance. The noble person who is pointed out in this Bill as a public criminal, and whom all the villains of the kingdom are invited to accuse, is invested with the same honours as ourselves, and has a son who has for many years possessed a seat amongst us; let us not therefore concur with the Commons to load our own House with infamy, and to propogate reproach, which will at last fix upon ourselves.

Innumerable are the objections, my



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lords, which might yet be urged, and urged without any possibility of reply; but as I have already been heard with so much patience, I think what has been already mentioned sufficient to determine the question: and as I doubt not but the other defects and absurdities will be observed, if it be necessary, by some other lords, I shall presume only to add, that as the Bill appears to me contrary to the laws of this nation, to the common justice of society, and to the general reason of mankind, as it must naturally establish a precedent of oppression, and confirm a species of authority in the other House which was either never claimed before, or always denied; as I think the most notorious and public criminal ought not to be deprived of that method of defence which the established customs of our country allow him, and believe the person mentioned in this *Bill* to deserve rather applauses and rewards than censures and punishments, I think myself obliged to oppose it, and hope to find your lordships unanimous in the same opinion.

The Duke of *Argyle:*

My lords; whatever may be the fate of this question, I have little hope that it will be unanimously decided, because I have reason to fear that some lords have conceived prejudices against the Bill, which hinder them from discovering either its reasonableness or its necessity; and am convinced that others who approve the Bill, can support their opinion by arguments from which, as they cannot be confuted, they never will recede.

Those arguments which have influenced my opinion, I will lay before your lordships, and doubt not of showing that I am very far from giving way to personal malice, or the prejudices of opposition; and that I regard only the voice of reason, and the call of the nation.

Calmness and impartiality, my lords, have been with great propriety recommended to us by the noble lord who spoke first in this debate; and I hope he will discover by the moderation with which I shall deliver my sentiments on this occasion, how much I reverence his precepts, and how willingly I yield to his authority.

I am at least certain, that I have hitherto listened to the arguments that have been offered on either side with an attention void of prejudice; I have repressed no motions of conviction, nor abstracted my mind from any difficulty, to avoid the labour of solving it: I have been solicitous to survey every position in its whole extent, and trace it to its remotest consequences; I have assisted the arguments against the Bill by favourable suppositions and imaginary circumstances, and have endeavoured to divest my own opinion of some appendant and accidental advantages, that I might view it in a state less likely to attract regard; and yet I cannot find any reason by which I could justify myself to my country or my conscience, if I should concur in rejecting this Bill, or should not endeavour to promote it.

I am not unacquainted, my lords, with the difficulties that obstruct the knowledge of our own hearts, and cannot deny that inclination may be sometimes mistaken for conviction; and men even wise and honest, may imagine themselves to believe what, in reality, they only wish: but this, my lords, can only happen for want of attention, or on sudden emergencies, when it is necessary to determine with little consideration, while the passions have not yet time to subside, and reason is yet struggling with the emotions of desire.

In other circumstances, my lords, I am convinced that no man imposes on himself without conniving at the fraud; without consciousness that he admits an opinion which he has not well examined, and without consulting indolence rather than reason; and therefore, my lords, I can with confidence affirm, that I now declare my real opinion, and that if I err, I err only for want of abilities to discover the truth; and hope it will appear to your lordships, that I have been misled at least by specious arguments, and deceived by fallacious appearances, which it is no reproach not to have been able to detect.

It will, my lords, be granted, I suppose, without hesitation, that the law is consistent with itself; that it never at the same time commands and prohibits the same action, that it cannot be at once violated and observed. From thence it will inevitably follow, that where the circumstances of any transaction are such, that the principles of that law by which it is cognizable are opposite to each other, some expedients may be found by which these circumstances may be altered. Otherwise a subtle or powerful delinquent will always find shelter in ambiguities, and the law will remain inactive, like a balance loaded equally on each side.



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On the present occasion, my lords, I pronounce with the utmost confidence, as a maxim of indubitable certainty, "That the public has a claim to every man's evidence," and that no man can plead exemption from this duty to his country. But those whom false gratitude, or contracted notions of their own interest, or fear of being entangled in the snares of examination prompt to disappoint the justice of the public, urge with equal vehemence, and indeed with equal truth, that "no man is obliged to accuse himself," and that the constitution of Great Britain allows no man's evidence to be extorted from him, to his own destruction.

Thus, my lords, two of the first principles of the English law, though maxims equally important, equally certain, and equally to be preserved from the least appearance of violation, are contradictory to each other, and neither can be obeyed, because neither can be infringed.

How then, my lords, is this contradiction to be reconciled, and the necessity avoided of breaking the law on one side or the other, but by the method now proposed, of setting those whose evidence is required, free from the danger which they may incur by giving it?

The end of the law is the redress of wrong, the protection of right, and the preservation of happiness; and the law is so far imperfect as it fails to produce the end for which it is instituted; and where any imperfection is discovered, it is the province of the legislature to supply it.

By the experience, my lords, of one generation after another, by the continued application of successive ages, was our law brought to its present accuracy. As new combinations of circumstances, or unforeseen artifices of evasion, discovered to our ancestors the insufficiency of former provisions, new expedients were invented; and as wickedness improved its subtilty, the law multiplied its powers, and extended its vigilance.

If I should, therefore, allow, what has been urged, that there is no precedent of a Bill like this, what can be inferred from it, but that wickedness has found a shelter that was never discovered before, and which must be forced by a new method of attack? And what then are we required to do more than has been always done by our ancestors, on a thousand occasions of far less importance?

I know not, my lords, whether it be possible to imagine an emergence that can more evidently require the interposition of the legislative power, than this which is now proposed to your consideration. The nation has been betrayed in peace, and disgraced in war; the constitution has been openly invaded, the votes of the House of Commons set publicly to sale, the treasures of the public have been squandered to purchase security to those by whom it was oppressed, the people are exasperated to madness, the Commons have begun the enquiry that has been for more than twenty years demanded and eluded, and justice is on a sudden insuperably retarded by the deficiency of the law.

Surely, my lords, this is an occasion that may justify the exertion of unusual powers, and yet nothing either new or unusual is required; for the Bill now proposed may be supported both by precedents of occasional laws, and parallel statutes of lasting obligation.

When frauds have been committed by the agents of trading companies, bills of indemnity to those by whom any discoveries should be made, have been proposed and passed without any of those dreadful consequences which some noble lords have foreseen in this. I have never heard that any man was so stupid as to mistake such a Bill for a general act of grace, or that the confession of any crimes was procured by it, except of those which it was intended to detect; I have never been informed, that any murderer was blessed with the acuteness of the noble lord, or thought of flying to such an act as to a common shelter for villany. Such suppositions, my lords, can be intended only to prolong a controversy and weary an opponent; nor can such trifling exaggerations contribute to any other end, than of discovering the fertility of imagination, and the exuberance of eloquence.

For my part, my lords, I think passion and negligence equally culpable in a debate like this; and cannot forbear to recommend seriousness and attention, with the same zeal, with which moderation and impartiality have already been inculcated. He that entirely disregards the question in debate, who thinks it too trivial for a serious discussion, and speaks upon it with the same superficial gaiety with which he would relate the change of a fashion, or the incidents of a ball, is not very likely, either to discover or propagate the truth; and is less to be pardoned, than he who is betrayed by passion into absurdities, as

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it is less criminal to injure our country by zeal than by contempt.

That Bills, without any essential difference from that which is now before us, have been passed in favour of private companies, is indisputably certain; it is certain that they never produced any other effect, than such as were expected from them by those who promoted them. It is evident, that the welfare of the nation is more worthy of our regard than any separate company; that the whole is of more importance than a part; and therefore the same measures may be now used with far greater justice, and with equal probability of success.

The necessity of the law now proposed, my lords, cannot more plainly appear, than by reflecting on the absurdity of the pleas made use of for refusing it, which, considered in the whole, contain only this assertion, That the security of one man is to be preferred to justice, to truth, to public felicity; that a precedent is rather to be established, which will for ever shelter every future minister from the laws of our country; and that all our miseries are rather to be borne in silence, or lamented in impotence, than the man, whom the whole nation agrees to accuse as the author of them, should be exposed to the hazard of a trial, even before those whom every tie of interest and long-continued affection has united to him.

It is indeed objected, that by passing this Bill, we shall transfer the authority of trying him to the other House; that we shall give up our privileges for ever, erect a new court of judicature, and overturn the constitution.

I have long observed, my lords, how vain it is to argue against those whose resolutions are determined by extrinsic motives, and have been long acquainted with the art of disguising obstinacy, by an appearance of reasons that have no weight, even in the opinion of him by whom they are offered, and of raising clouds of objections, which, by the first reply, will certainly be dissipated, but which, at least, fill the mouth for a time, and preserve the disputant from the reproach of adhering to an opinion, in vindication of which he had nothing to say.

Of this kind is the objection which I am now to remove, though I remove it only to make way for another, for those can never be silenced who can satisfy themselves with arguments like this; however, those that offer it expect it should be answered, and if it should be passed over in the debate, will boast of its irrefragability, and imagine that they have gained the victory by the superiority of their abilities, rather than of their numbers.

That we shall, by passing this Bill, give the Commons a power which they want at present, is unquestionably evident; but we shall only retrieve that which they were never known to want before—the power of producing evidence; evidence which we, my lords, must hear, and of whose testimonies we shall reserve the judgment to ourselves. The Commons will only act as prosecutors, a character in which they were never conceived to encroach upon our right. The man whose conduct is the subject of enquiry, must stand his trial at our bar; nor has the Bill any other tendency, than to enable the Commons to bring him to it.

What can be alleged against this design I know not; because I can discover no objections which do not imply guilt, and guilt we are not yet at liberty to suppose. I am so far from pressing this Bill from any motives of personal malevolence, that I am only doing, in the case of the minister, what I should ardently desire to be done in my own, and what no man would wish to obstruct, who was supported by a consciousness of integrity, and stimulated by that honest sense of reputation which I have always found the concomitant of innocence.

I hope I shall be readily believed by your lordships, when I assert once more, that I should not only forbear all opposition to a Bill intended to produce a scrutiny into my conduct, but that I should promote it with all my interest, and solicit all my friends to expedite and support it; for there was once a time, my lords, in which my behaviour was brought to the test, a time when no expedient was forgotten by which I might be oppressed, nor any method untried to procure accusations against me.

Whether the present case in every circumstance will stand exactly parallel to mine, I am very far from presuming to determine. I had served my country with industry, fidelity, and success, and had received the illustrious testimony of my conduct, the public thanks of this House. I was conscious of no crime, nor had gratified in my services any other passion than my zeal for the public. I saw myself ignominiously discarded, and attacked by



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every method of calumny and reproach. Nor was the malice of my enemies satisfied with destroying my reputation without impairing my fortune: for this purpose a prosecution was projected, a wretch was found out who engaged to accuse me, and received his pardon for no other purpose; nor did I make any opposition to it in this House, though I knew the intent with which it was procured, and was informed that part of my estate was allotted him to harden his heart, and strengthen his assertions.

This, my lords, is surely a precedent which I have a right to quote, and which will vindicate me to your lordships from the imputation of partiality and malignity; since it is apparent, that I do only in the case of another, what I willingly submitted to, when an enquiry was making into my conduct.

But, my lords, this is far from being the only precedent which may be pleaded in favour of this Bill; a Bill which in reality concurs with the general and regular practice of the established law, as will appear to every one that compares it with the eighth section of the act for preventing Bribery; in which it is established as a perpetual law, That he who, having taken a bribe, shall, within twelve months, inform against him that gave it, shall be received as an evidence, and be indemnified from all the consequences of his discovery.

To these arguments of reason and precedent, I will add one of a more prevalent kind, drawn from motives of interest, which surely would direct our ministers to favour the enquiry, and promote every expedient that might produce a complete discussion of the public affairs; since they would show, that they are not afraid of the most rigorous scrutiny, and are above any fears that the precedent which they are now establishing may revolve upon themselves.

To elude the ratification of this Bill, it was at first urged that there was no proof of any crime; and when it was shown, that there was an apparent misapplication of the public money, it became necessary to determine upon a more hardy assertion, and to silence malicious reasoners, by showing them how little their arguments would be regarded. It then was denied, with a spirit worthy of the cause in which it was exerted, that the civil list was public money.

Disputants like these, my lords, are not born to be confuted; it would be to little purpose that any man should ask, whether the money allotted for the civil list was not granted by the public, and whether public grants did not produce public money; it would be without any effect, that the uses for which that grant is made, should be enumerated, and the misapplication of it openly proved; a distinction, or at least a negative, would be always at hand, and obstinacy and interest would turn argument aside.

Upon what principles, my lords, we can now call out for a proof of crimes, and proceed in the debate as if no just reason of suspicion had appeared, I am not able to conjecture; here is, in my opinion, if not demonstrative proof, yet the strongest presumption of one of the greatest crimes of which any man can be guilty—the propagation of wickedness; of the most atrocious breach of trust which can be charged upon a British minister—a deliberate traffic for the liberties of his country.

Of these enormous villainies, however difficult it may now seem to disengage him from them, I hope we shall see reason to acquit him at the bar of this House, at which, if he be innocent, he ought to be desirous of appearing; nor do his friends consult his honour, by endeavouring to withhold him from it; if they, indeed, believe him guilty, they may then easily justify their conduct to him, but the world will, perhaps, require a more public vindication.

These, my lords, are the arguments which have influenced me hitherto to approve the Bill now before us, and which will continue their prevalence, till I shall hear them confuted; and if they are not altogether unanswerable, they are surely of so much importance, that the Bill for which they have been produced, must be allowed to deserve at least a deliberate examination, and may very justly be referred to a committee, in which ambiguities may be removed, and inadvertencies corrected.

Lord *Cholmondeley:*

My lords; this Bill is in my opinion so far from deserving approbation, that I am in doubt whether I should retard the determination of the House, by laying before you the reasons which influence me in this debate; nor indeed could I prevail upon myself to enter into a formal discussion of a question, on which I should have imagined that all mankind would have been of one opinion, did not my reverence

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of the abilities of those noble lords who have spoken in defence of the Bill, incline me, even against the conviction of my own reason, to suspect that arguments may be offered in its favour, which I have not yet been able to discover; and that those which have been produced, however inconclusive they have seemed, will operate more powefully when they are more fully displayed, and better understood.

For this reason I shall lay before your lordships the objections which arose in my mind when the Bill was first laid before us, and which have rather been strengthened than invalidated by the subsequent debate.

It appears, my lords, evident to me, that every man has a right to be tried by the known laws of his country; that no man can be justly punished by a law made after the commission of a fact, because he then suffers by a law, against which he never transgressed; nor is any man to be prosecuted by methods invented only to facilitate his condemnation, because he ought to be acquitted, however guilty he may be supposed, whom the established rules of justice cannot convict. The law, my lords, is the measure of political, as conscience of moral right; and he that breaks no law, may indeed be criminal, but is not punishable. The law likewise prescribes the method of prosecuting guilt; and as we, by omitting any crime in our laws, disable ourselves from punishing it, however public or flagrant, so by regulating the process in our courts of justice, we give security to that guilt, which by that process cannot be detected.

The truth of this assertion, my lords, however paradoxical it may perhaps appear, will become evident, if we suppose a man brought to the bar, whose guilt was unquestionable, though it could not be legally proved, because all those were dead who might have appeared against him. It is certain that his good fortune would give him no claim to pardon, and yet he could not be convicted, unless we suppose him weak enough to accuse himself. In this case, my lords, it is not impossible, that some might be prompted by their zeal to propose, that the foreign methods of justice might be introduced, and the rack employed to extort from his own mouth a confession of those crimes of which every one believed him guilty.

With what horror, my lords, such a proposal would be heard, how loudly it would be censured, and how universally rejected, I need not say; but must observe, that, in my opinion, the detestation would arise principally from a sense of the injustice of exposing any man to peculiar hardships, and distinguishing him to his disadvantage from the rest of the community.

It will, my lords, not be easy to prove, that it is less agreeable to justice to oblige a man to accuse himself, than to make use of extraordinary methods of procuring evidence against him; because the barriers of security which the law has fixed are equally broken in either case, and the accused is exposed to dangers, from which he had reason to believe himself sheltered by the constitution of his country.

This argument, my lords, I have mentioned, without endeavouring to evince the innocence of the person whom this Bill immediately regards; because the intent of it is to show, that no man is to be deprived of the common benefits of the constitution, and that the guilty have a right to all the advantages which the law allows them. For guilt is never to be supposed till it is proved, and it is therefore never to be proved by new methods, merely because it is supposed.

That the method of procuring evidence now proposed is new, my lords, I think it no temerity to conclude; because the noble lords who have endeavoured to defend it, have produced no instance of a parallel practice, and their knowledge and acuteness is such, that they can only have failed to discover them, because they are indeed no where to be found.

In the case of bribery, my lords, the person accused has the privilege, if he be innocent, of prosecuting his accuser for perjury, and is therefore in less danger of being harassed by a false indictment. But, my lords, this is not the only difference between the two cases; for he that discovers a bribe received by himself, has no motives of interest to prompt his evidence; he is only secured from suffering by his own discovery, and might have been equally safe by silence and secrecy; since the law supposes the crime out of the reach of detection, otherwise than by the confession of the criminal.

But far different, my lords, are the circumstances of those who are now invited to throng the courts of justice, and stun us with depositions and discoveries. They are men supposed criminal by the indemnity which is offered them; and by the nature of their crimes it is made at least probable, that they are in daily hazard of discovery, and punishment; from which

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they are summoned to set themselves free for ever, by accusing a man of whom it has not been yet proved that he can legally be called to a trial.

Thus, my lords, in the law which the noble duke has mentioned as a precedent for this Bill, the accuser is only placed in a kind of equilibrium, equally secure from punishment, by silence or by information, in hope that the love of truth and justice will turn the balance; in the Bill now before us the witness is in continual danger by withholding his evidence, and is restored to perfect safety by becoming an accuser, and from making discoveries, whether true or false, has every thing to hope and nothing to fear.

The necessity of punishing wickedness has been urged with great strength; it has been unanswerably shown, by the advocates for this Bill, that vindictive justice is of the highest importance to the happiness of the public, and that those who may be injured with impunity, are in reality denied the benefits of society, and can be said to live in the state of uncivilized nature, in which the strong must prey upon the weak.

This, my lords, has been urged with all the appearance of conviction and sincerity, and yet has been urged by those who are providing a shelter for the most enormous villainies, and enabling men who have violated every precept of law and virtue, to bid defiance to justice, and to sit at ease in the enjoyment of their acquisitions.

And what, my lords, is the condition, upon which wickedness is to be set free from terror, upon which national justice is to be disarmed, and the betrayers of public counsels, or the plunderers of public treasure, qualified for new trusts, and set on a level with untainted fidelity? A condition, my lords, which wretches like these will very readily accept, the easy terms of information and of perjury. They are required only to give evidence against a man marked out for destruction, and the guilt of partaking in his crimes is to be effaced by the merit of concurring in his ruin.

It has indeed been a method of detection, frequently employed against housebreakers and highwaymen, to proclaim a pardon for him that shall convict his accomplices; but surely, my lords, this practice will not in the present question be mentioned as a precedent. Surely it will not be thought equitable to level with felons, and with thieves, a person distinguished by his rank, his employments, his abilities, and his services; a person, whose loyalty to his sovereign has never been called in question, and whose fidelity to his country has at least never been disproved.

These are measures, my lords, which I hope your lordships will never concur to promote; measures not supported either by law or justice, or enforced by any exigence of affairs, but dictated by persecution, malice, and revenge; measures by which the guilty and the innocent may be destroyed with equal facility, and which must therefore tend to encourage wickedness as they destroy the security of virtue.

The Earl of *Chesterfield*:*

My lords; I have so long honoured the abilities, and so often concurred with the opinion of the noble lord who began the debate, that I cannot without unusual concern, rise up now to speak in opposition to him; nor could any other principle support me under the apparent disadvantage of a contest so unequal, but the consciousness of upright intentions, and the concurrence of the whole nation.

I cannot but consider myself on this occasion, my lords, as the advocate of the people of Great Britain, who, after continued oppressions, losses, and indignities, after having been plundered and ridiculed, harassed and insulted for complaining, have at length flattered themselves that they should have an opportunity of appealing to our bar for justice, and of securing themselves from future injuries, by the punishment of those that had so long triumphed in their guilt, proclaimed their defiance of justice, and declared that the laws were made only for their security.

The expectations of the people have been frustrated by the unexpected obstinacy of the agents of wickedness, by a plea that was never made use of for the same purpose before, against which the known laws of the nation have provided no remedy, and which your lordships are therefore now called upon to overthrow.

That the nation calls loudly for an enquiry, that the misapplication of the public treasure is universally suspected, and that the person mentioned in the Bill is believed to be the chief author of that misapplication; that at least those who have squandered it have acted by his au-

* In the Collection of Dr. Johnson's Debates, this Speech is erroneously attributed to Lord Carteret.

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thority, and been admitted to trust by his recommendation, and that he is therefore accountable to the public for their conduct, I shall suppose cannot be denied.

The nation, my lords, has a right to be gratified in their demands of an enquiry, whatever be the foundation of their suspicions; since it is manifest that it can produce no other effects than those of giving new lustre to innocence, and quieting the clamours of the people, if it should be found that the government has been administered with honesty and ability; and it is not less evident that, if the general opinion is well grounded, if our interest has been betrayed, and that money employed only to corrupt the nation which was raised for the defence of it, the severest punishment ought to be inflicted, that all future ministers may be deterred from the same crimes by exemplary vengeance.

Thus, my lords, an enquiry appears upon every supposition useful and necessary; but I cannot comprehend how it can be prosecuted by any other method, than that of proposing an indemnity to those who shall make discoveries.

Every wicked measure, my lords, must involve in guilt all who are engaged in it; and how easily it may be concealed from every other person may be shown by an example of a crime, which no man will deny to have sometimes existed, and which in the opinion of most is not very uncommon in this age.

It will be allowed, at least, that on some occasions, when a favourite begins to totter, when strong objections are raised against the continuance of a standing army, when a convention requires the ratification of the legislature, or some fatal address is proposed to be presented to the crown, a pecuniary reward may sometimes be offered, and though that, indeed, be a supposition more difficult to be admitted, sometimes, however rarely, accepted.

In this case, my lords, none but he that gives and he that receives the bribe can be conscious of it; at most we can only suppose an intervening agent to have any knowledge of it; and if even he is admitted to the secret so as to be able to make a legal discovery, there must be some defect of cunning in the principals. Let us consider from which of these any discovery can be probably expected, or what reason can be alleged, for which either should expose himself to punishment for the sake of ruining his associates.

It is, therefore, my lords, plain from this instance, that without the confession of some guilty person, no discovery can be made of those crimes which are most detrimental to our happiness, and most dangerous to our liberties. It is apparent that no man will discover his own guilt, while there remains any danger of suffering by his confession; it is certain that such crimes will be committed, if they are not discouraged by the fear of punishment, and it cannot therefore be denied that a proclamation of indemnity is necessary to their detection.

This, my lords, is not, as it has been alleged, a method unknown to our constitution, as every man that reads the common papers will easily discover. I doubt if there has been for many years a single month in which some reward, as well as indemnity, has not been promised to any man, who, having been engaged in a robbery, would discover his confederates; and surely a method that is daily practised for the security of private property, may be very rationally and justly adopted by the legislature for the preservation of the happiness and the property of the public.

The punishment of wickedness, my lords, is undoubtedly one of the essential parts of good government, and in reality the chief purpose for which society is instituted; for how will that society in which any individual may be plundered, enslaved, and murdered without redress and without punishment, differ from the state of corrupt nature, in which the strongest must be absolute, and right and power always the same?

That constitution, therefore, which has not provided for the punishment, and previously for the discovery of guilt, is so far in a state of imperfection, and requires to be strengthened by new provisions. This, my lords, is far from being our state, for we have in our hands a method of detecting the most powerful criminals, a method in itself agreeable to reason, recommended by the practice of our predecessors, and now approved once more by the sanction of one of the branches of the legislature.

The objections which have on this occasion been made against it, are such as no law can escape, and which therefore can have no weight; and it is no small confirmation of the expediency of it, that they, by whom it has been opposed, have not been able to attack it with stronger reasons, from which, if we consider their abilities,

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we shall be convinced, that nothing has secured it but the power of truth.

It is enquired by the noble lord, how we shall distinguish true from false evidence; to which it may be very readily answered, that we shall distinguish them by the same means as on any other occasion, by comparing the allegations, and considering how every witness agrees with others and with himself, how far his assertions are in themselves probable, how they are confirmed or weakened by known circumstances, and how far they are invalidated by the contrary evidence.

We shall, my lords, if we add our sanction to this Bill, discover when any man's accusation is prompted by his interest, as we might know whether it was dictated by his malice.

It has been asked also, how any man can ascertain his claim to the indemnity? To which it may be easily replied, that by giving his evidence he acquires a right, till that evidence shall be proved to be false.

The noble lord who spoke some time ago, and whose abilities and qualities are such, that I cannot but esteem and admire him, even when conviction obliges me to oppose him, has proposed a case in which he seems to imagine that a murderer might secure himself from punishment, by connecting his crime with some transaction in which the earl of Orford should be interested. This case, my lords, is sufficiently improbable, nor is it easy to mention any method of trial in which some inconvenience may not be produced, in the indefinite complications of circumstances, and unforeseen relations of events. It is known to have happened once, and cannot be known not to have happened often, that a person accused of murder, was tried by a jury of which the real murderer was one. Will not this, then, be an argument against the great privilege of the natives of this kingdom—a trial by their equals?

But, my lords, I am of opinion that the murderer would not be indemnified by this Bill, since he did not commit the crime by the direction of the person whom he is supposed to accuse; nor would it have any necessary connection with his conduct, but might be suppressed in the accusation, without any diminution of the force of the evidence. A man will not be suffered to introduce his accusation with an account of all the villanies of his whole life, but will be required to confine his testimony to the affair upon which he is examined.

The committee, my lords, will distinguish between the crimes perpetrated by the direction of the earl of Orford, and those of another kind. And should an enormous criminal give such evidence, as the noble lord was pleased to suppose, he may be indemnified for the bribery, but will be hanged for the murder, notwithstanding any thing in this Bill to the contrary.

It has been insisted on by the noble lords, who have spoke against the Bill, that no crime is proved, and therefore there is no foundation for it. But, my lords, I have always thought that the profusion of the public money was a crime, and there is evidently a very large sum expended, of which no account has been given; and what more nearly relates to the present question, of which no account has ever been demanded.

On this occasion, my lords, an assertion has been alleged, which no personal regard shall ever prevail upon me to hear without disputing it, since I think it is of the most dangerous tendency, and unsupported by reason or by law. It is alleged, my lords, that the civil list is not to be considered as public money, and that the nation has therefore no claim to enquire how it is distributed; that it is given to support the dignity of the crown, and that only his majesty can ask the reason of any failures in the accounts of it.

I have on the contrary, my lords, hitherto understood, that all was public money which was given by the public. The present condition of the crown is very different from that of our ancient monarchs, who supported their dignity by their own estates. I admit, my lords, that they might at pleasure contract or enlarge their expences, mortgage or alienate their lands, or bestow presents and pensions, without controul.

It is indeed expressed in the act, that the grants of the civil list are without account, by which I have hitherto understood only that the sum total is exempt from account; not that the ministers have a right to employ the civil list to such purposes as they shall think most conducive to their private views. For if it should be granted, not only that the nation has no right to know how the whole is expended, which is the utmost that can be allowed, or to direct the application of any part of it, which is very disputable, yet

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it certainly has a claim to direct in what manner it shall not be applied, and to provide that boroughs are not corrupted under pretence of promoting the dignity of the crown.

The corruption of boroughs, my lords, is one of the greatest crimes of which any man under our constitution is capable; it is to corrupt at once the fountain and the stream of government, to poison the whole nation at once, and to make the people wicked, that they may infect the House of Commons with wicked representatives.

Such, my lords, are the crimes, the suspicion of which incited the Commons to a public enquiry, in which they have been able to proceed so far, as to prove that the public discontent was not without cause, and that such arts had been practised, as it is absolutely necessary to the public security, to detect and punish.

They therefore pursued their examination with a degree of ardour proportioned to the importance of the danger in which every man is involved by the violation of the fundamental laws of the constitution; but they found themselves obstructed by the subtilty of some who confessed only that they were guilty, and determined to be faithful to their accomplices and themselves.

A farther enquiry, my lords, was, by this unforeseen evasion, made impossible; the ultimate and principal agent is sheltered from the law by his guard of mercenaries, wretches who are contented to be infamous, if they can continue to be rich, and value themselves on their adherence to their master, while they are conspiring to ruin their country.

The nation, my lords, in the mean time, justly applies for redress to the power of the legislature, and to its wisdom for methods of procuring it by law. The Commons have complied with their importunities, and propose to your lordships the Bill before you, a Bill for making a public enquiry possible, and for bringing a minister within reach of the law.

On this occasion, my lords, we are upbraided with our own declarations, that the person mentioned in this Bill would quickly find accusers, when he should be divested of his authority. Behold him now, say his advocates, reduced from his envied eminence, and placed on a level with his fellow-subjects! behold him no longer the distributer of employments, or the disburser of the public treasure; see him divested of all security, but that of innocence, and yet no accusations are produced!

This, my lords, is a topic so fruitful of panegyric, and so happily adapted to the imagination of a person long used to celebrate the wisdom and integrity of ministers, that, were not the present question of too great importance to admit of false concessions, I should suffer it to remain without controversy.

But, my lords, this is no time for criminal indulgence, and therefore I shall annihilate this short-lived triumph by observing, that to be out of place, is not necessarily to be out of power; a minister may retain his influence, who has resigned his employment; he may still retain the favour of his prince, and possess him with a false opinion, that he can only secure his authority by protecting him; or, what there is equal reason to suspect, his successors may be afraid of concurring in a law which may hereafter be revived against themselves.

It may be urged farther, my lords, that he cannot with great propriety be said to have no power, who sees the legislature crowded with men that are indebted to his favour for their rank and their fortunes.

Such a man may bid defiance to enquiry, with confidence produced by security very different from that of innocence; he may depend upon the secrecy of those whom he has perhaps chosen for no other virtue; he may know that common danger will unite them to him, and that they cannot abandon him without exposing themselves to the same censures.

These securities, my lords, the fortifications of the last retreat of wickedness, remain now to be broken, and the nation expects its fate from our determinations, which will either secure the liberties of our posterity from violation, by showing that no degree of power can shelter those who shall invade them, or that our constitution is arrived at this period, and that all struggles for its continuance will be vain.

Let us not, my lords, combine with the public enemies, let us not give the nation reason to believe that this House is infected with the contagion of venality, that our honour is become an empty name, and that the examples of our ancestors have no other effect upon us than to raise the price of perfidy, and enable us to sell our country at a higher rate.

Let us remember, my lords, that power is supported by opinion, and that the re-



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verence of the public cannot be preserved but by rigid justice and active beneficence.

For this reason, I am far from granting that we ought to be cautious of charging those with crimes who have the honour of a seat amongst us. In my opinion, my lords, we ought to be watchful against the least suspicion of wickedness in our own body, we ought to eject pollution from our walls, and preserve that power for which some appear so anxious, by keeping our reputation pure and untainted.

It is therefore to little purpose objected, that there is no *corpus delicti;* for even though it were true, yet while there is a *corpus suspicionis*, then enquiry ought to be made for our own honour, nor can either law or reason be pleaded against it.

I cannot therefore doubt, that your lordships will endeavour to do justice; that you will facilitate the production of oral evidence, lest all written proofs should be destroyed; that you will not despise the united petition of the whole people, of which I dread the consequence; nor reject the only expedient by which their fears may be dissipated, and their happiness secured.

Lord Chancellor *Hardwicke:*

My lords; after having, with an intention uninterrupted by any foreign considerations, and a mind intent only on the discovery of truth, examined every argument which has been urged on either side, I think it my duty to declare, that I have yet discovered no reason, which, in my opinion, ought to prevail upon us to ratify the Bill that is now before us.

The noble lords who have defended it, appear to reason more upon maxims of policy, than rules of law, or principles of justice; and seem to imagine, that if they can prove it to be expedient, it is not necessary to show that it is equitable.

How far, my lords, they have succeeded in that argument which they have most laboured, I think it not necessary to examine, because I have hitherto accounted it an incontestable maxim, that whenever interest and virtue are in competition, virtue is always to be preferred.

The noble lord who spoke first in this debate has proved the unreasonableness and illegality of the methods proposed in this Bill, beyond the possibility of confutation; he has shown that they are inconsistent with the law, and that the law is founded upon reason; he has proved, that the Bill supposes a criminal previous to the crime, summons the man to a trial, and then enquires for what offence.

Nor has he, my lords, confined himself to a detection of the original defect, the uncertainty of any crime committed, but has proceeded to prove, that upon whatever supposition we proceed, the Bill is unequitable, and of no other tendency than to multiply grievances, and establish a precedent of oppression.

For this purpose he has shown, that no evidence can be procured by this Bill, because all those who shall, upon the encouragement proposed in it, offer information, must be considered as hired witnesses, to whom no credit can be given, and who therefore ought not to be heard.

His lordship also proved, that we cannot pass this Bill without diminishing our right, bestowing new powers upon the House of Commons, confirming some of their claims which are most dubious, nor, by consequence, without violating the constitution.

To all these arguments, arguments drawn from the most important considerations, enforced by the strongest reasoning, and explained with the utmost perspicuity, what has been replied? How have any of his assertions been invalidated, or any of his reasons eluded? How has it been shown that there is any foundation for a criminal charge, that witnesses thus procured ought to be heard, or that our rights would not be made disputable by confirming the proceedings of the House of Commons?

It has been answered by a noble lord, that though there is not *corpus delicti*, there is *corpus suspicionis*. What may be the force of this argument I cannot say, because I am not ashamed to own, that I do not understand the meaning of the words. I very well understand what is meant by *corpus delicti*, and so does every other lord; it is universally known to mean the 'body of an offence;' but as to the words *corpus suspicionis*, I do not comprehend what they mean: it is an expression indeed which I never before heard, and can signify, in my apprehension, nothing more than the 'body of a shadow;' the substance of something which is itself nothing.

Such, my lords, is the principle of this Bill, by the confession of its warmest and ablest advocates; it is a Bill for summoning a person to a trial, against whom no crime is alleged, and against whom no witness will appear without a bribe.

For that those who should appear in

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consequence of this Bill to offer their evidence, ought to be considered as bribed, will surely need no proof to those who consider, that bribes are not confined to money, and that every man who promotes his own interest by his deposition, is swearing not for truth and justice, but for himself.

It may be urged, and it is, in my opinion, all that the most fruitful imagination can suggest in favour of this Bill, that they are not required to accuse the earl of Orford, but to give in their evidence concerning his conduct, whether in his favour or against him.

But this argument, my lords, however specious it may seem, will vanish of itself, if the Bill be diligently considered, which is only to confer indemnity on those, who in the course of their evidence shall discover any of their own crimes; on those whose testimony shall tend to fix some charge of wickedness on the earl of Orford; for it cannot easily be imagined how those who appear in his favour, should be under a necessity of revealing any actions that require an indemnity.

Thus, my lords, it appears that the Bill can produce no other effect than that of multiplying accusations, since it offers rewards only to those who are supposed to have engaged in unjustifiable practices, and to procure witnesses by this method, is equally unjust as to propose a public prize to be obtained by swearing against any of your lordships.

If witnesses are to be purchased, we ought at least to offer an equal price on each side, that though they may be induced by the reward to offer their depositions, they may not be tempted to accuse rather than to justify.

Should any private man, my lords, offer a reward to any that would give evidence against another, without specifying the crime of which he is accused, doubtless he would be considered by the laws of this nation, as a violater of the rights of society, an open slanderer, and a disturber of mankind; and would immediately, by an indictment or information, be obliged to make satisfaction to the community which he had offended, or to the person whom he had injured.

It has, my lords, I own, been asserted by the noble duke, that the public has a right to every man's evidence, a maxim which in its proper sense cannot be denied. For it is undoubtedly true, that the public has a right to all the assistance of every individual; but it is, my lords, upon such terms as have been established for the general advantage of all: on such terms as the majority of each society has prescribed. But, my lords, the majority of a society, which is the true definition of 'the public,' are equally obliged with the smaller number, or with individuals, to the observation of justice, and cannot therefore prescribe to different individuals different conditions. They cannot decree that treatment to be just with regard to one which they allow to be cruel with respect to another. The claims of the public are founded, first upon right, which is invariable; and next upon the law, which, though mutable in its own nature, is however to be so far fixed, as that every man may know his own condition, his own property, and his own privileges, or it ceases in effect to be law, it ceases to be the rule of government, or the measure of conduct.

In the present case, my lords, the public has not a right to hire evidence, because the public has hitherto subsisted upon this condition, among others, that no man shall swear in his own cause. The public has not a right to require from any man that he should betray himself, because every man may plead that he is exempted from that demand by the public faith.

Thus, my lords, the right of the public is only that right which the public has established by law, and confirmed by continual claims; nor is the claim of the public from individuals to be extended beyond its known bounds, except in times of general distress, where a few must necessarily suffer for the preservation of the rest.

This necessity is indeed now urged, but surely it ought to be shown that the present circumstances of affairs differ from those of any former age, before it can with any propriety be asserted, that measures are now necessary, which no other distresses, however urgent, or provocations, however flagrant, have hitherto produced. It ought to be proved, that wickedness had discovered some new shelter from justice, before new engines are invented to force it from its retreat, and new powers applied to drag it out to punishment.

The nation has subsisted, my lords, so many centuries, has often recovered from the lingering disease of inward corruption, and repelled the shocks of outward

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violence; it has often been endangered by corrupt counsels, and wicked machinations, and surmounted them by the force of its established laws, without the assistance of temporary expedients; at least without expedients like this, which neither law nor justice can support, and which would in itself be a more atrocious grievance than those, if they were real, which it is intended to punish, and might produce far greater evils than those which are imputed to him against whom it is projected.

It has indeed, my lords, been mentioned by a noble lord, in much softer language, as a method only of making an enquiry possible. The possibility of an enquiry, my lords, is a very remote and inoffensive idea; but names will not change the nature of the things to which they are applied. The Bill is, in my opinion, calculated to make a defence impossible, to deprive innocence of its guard, and to let loose oppression and perjury upon the world. It is a Bill to dazzle the wicked with a prospect of security, and to incite them to purchase an indemnity for one crime, by the perpetration of another. It is a Bill to confound the notions of right and wrong, to violate the essence of our constitution, and to leave us without any certain security for our properties, or rule for our actions.

Nor are the particular parts less defective than the general foundation; for it is full of ambiguous promises, vague ideas, and indeterminate expressions, of which some have been already particularized by the noble lords that have spoken on this occasion, whose observations I shall not repeat, nor endeavour to improve; but cannot forbear proposing to the advocates for the Bill, one sentence, that it may be explained by them, and that at least we may not pass what we do not understand.

In the enquiry into the conduct of the earl of Orford, every man, as we have already seen, is invited to bring his evidence, and to procure an indemnity, by answering such questions as shall be asked, "touching or concerning the said enquiry, or relative thereto." What is to be understood by this last sentence, I would willingly be informed; I would hear how far the relation to the enquiry is designed to be extended, with what other enquiries it is to be complicated, and where the chain of interrogatories is to have an end.

When an evidence appears before the committee, how can he be certain that the questions asked, are "relative to the enquiry?" How can he be certain that they are such as he may procure an indemnity by resolving? Or whether they are not unconnected with the principal question, and therefore insidious and dangerous? And to what power must he appeal, if he should be prosecuted afterwards upon his own confession, on pretence that it was not "relative to the enquiry?"

Expressions like these, my lords, if they are not the effects of malicious hurry, and negligent animosity, must be intended to vest the committee with absolute authority, with the award of life and death, by leaving to them the liberty to explain the statute at their own pleasure, to contract or enlarge the relation to the controversy, to enquire without bounds, and judge without controul.

Thus, my lords, I have laid before you my opinion of this Bill without any partial regard, without exaggerating the ill consequences that may be feared from it, or endeavouring to elude any reasoning by which it has been defended. I have endeavoured to pursue the arguments of the noble lord who spoke first, and to show that it is founded upon false notions of criminal justice, that it proposes irrational and illegal methods of trial, that it will produce consequences fatal to our constitution, and establish a precedent of oppression.

I have endeavoured, in examining the arguments by which the Bill has been defended, to show that the rights of the public are ascertained, and that the power of the majority is to be limited by moral considerations; and to prove, in discussing its particular parts, that it is inaccurate, indeterminate, and unintelligible.

What effects my enquiry may have had upon your lordships, yourselves only can tell; for my part, the necessity of dwelling so long upon the question, has added new strength to my conviction; and so clearly do I now see the danger and injustice of a law like this, that though I do not imagine myself indued with any peculiar degree of heroism, I believe, that if I were condemned to a choice so disagreeable, I should more willingly suffer by such a Bill passed in my own case, than consent to pass it in that of another.

The Duke of *Argyle*:

My lords; I am not yet able to discover that the Bill now before us is

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either illegal or absurd, that its interpretation is doubtful, or its probable consequences dangerous.

The indisputable maxim, that "the public has a right to every man's evidence," has been explained away with much labour, and with more art than a good cause can often require. We have been told of public contracts, of the rights of society with regard to individuals, and the privileges of individuals with respect to society; we have had one term opposed to another, only to amuse our attention; and law, reason, and sophistry, have been mingled, till common sense was lost in the confusion.

But, my lords, it is easy to disentangle all this perplexity of ideas, and to set truth free from the shackles of sophistry, by observing that it is, in all civilized nations of the world, one of the first principles of the constitution; that the public has a right, always reserved, of having recourse to extraordinary methods of proceeding, when the happiness of the community appears not sufficiently secured by the known laws.

Laws may, by those who have made the study and explanation of them the employment of their lives, be esteemed as the great standard of right; they may be habitually reverenced, and considered as sacred in their own nature, without regard to the end which they are designed to produce.

But others, my lords, whose minds operate without any impediment from education, will easily discover, that laws are to be regarded only for their use; that the power which made them only for the public advantage, ought to alter or annul them, when they are no longer serviceable, or when they obstruct those effects which they were intended to promote.

I will therefore, my lords, still assert, that the public has a right to every man's evidence; and that to reject any Bill which can have no other consequence than that of enabling the nation to assert its claim, to reconcile one principle of law with another, and to deprive villainy of an evasion which may always be used, is to deny justice to an oppressed people, and to concur in the ruin of our country.

And farther, my lords, I confidently affirm it has not been proved, that this Bill can endanger any but the guilty; nor has it been shown that it is drawn up for any other purpose than that which the noble lord mentioned, of hindering an enquiry from being impossible; it may therefore justly be required from those who affect, on this occasion, so much tenderness for liberty, so many suspicions of remote designs, and so much zeal for our constitution, to demonstrate, that either an enquiry may be carried on by other means, or that an enquiry is itself superfluous or improper.

Though none of those who have spoken against the Bill have been willing to expose themselves to universal indignation, by declaring that they would gladly obstruct the progress of the enquiry; that they designed to throw a mist over the public affairs, and to conceal from the people the causes of their misery; and though I have no right to charge those who differ from me in opinion with intentions, which, as they do not avow them, cannot be proved; this however I will not fear to affirm, that those who are for rejecting this method of enquiry, would consult their honour by proposing some other equally efficacious; lest it should be thought by such as have not any opportunities of knowing their superiority to temptations, that they are influenced by some motives which they are not willing to own, and that they are, in secret, enemies to the enquiry, though in public they only condemn the method of pursuing it.

The Duke of *Newcastle:*

My lords; the arguments which have been produced in defence of the Bill before us, however those who offer them may be influenced by them, have made, hitherto, very little impression upon me; my opinion of the impropriety and illegality of this new method of prosecution, still continues the same; nor can it be expected that I should alter it, till those reasons have been answered which have been offered by the noble lord who spoke first in the debate.

The advocates for the Bill seem, indeed, conscious of the insufficiency of their arguments, and have therefore added motives of another kind; they have informed us, that our power subsists upon our reputation, and that our reputation can only be preserved by concurring in the measures recommended by the Commons; they have insinuated to us, that he who obstructs this Bill, will be thought desirous to obstruct the enquiry, to conspire the ruin of his country, and to act in confederacy with public robbers.

But, my lords, whether the nation is



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really exasperated to such a degree as is represented, whether it is the general opinion of mankind that the public affairs have been unfaithfully administered, and whether this Bill has been dictated by a desire of public justice, or of private revenge, I have not thought it necessary to enquire; having long learned to act in consequence of my own conviction, not of the opinions of others, at least not of those who determine upon questions which they cannot understand, and judge without having ever obtained an opportunity of examining.

Such, my lords, must be the opinions of the people upon questions of policy, opinions not formed by reflection, but adopted from those whom they, sometimes with very little reason, imagine nearer spectators of the government than themselves, and in whom they place an implicit confidence, on account of some casual act of popularity.

I shall not, therefore, think the demands of the people a rule of conduct, nor shall ever fear to incur their resentment in the prosecution of their interest. I shall never flatter their passions to obtain their favour, or gratify their revenge for fear of their contempt.

The inconstancy, my lords, of public applause, all of us have observed, and many of us have experienced; and we know that it is very far from being always the reward of merit. We know that the brightest character may be easily darkened by calumny; that those who are labouring for the welfare of the public, may be easily represented as traitors and oppressors; and that the people may quickly be persuaded to join in the accusation.

That the people, however deceived, have a right to accuse whomsoever they suspect, and that their accusation ought to be heard, I do not deny; but surely, my lords, the opinion of the people is not such a proof of guilt as will justify a method of prosecution never known before, or give us a right to throw down the barriers of liberty, and punish by power those whom we cannot convict by law.

Let any of your lordships suppose himself by some accident exposed to the temporary malice of the populace, let him imagine his enemies inflaming them to a demand of a prosecution, and then proposing that he should be deprived of the common methods of defence, and that evidence should be hired against him, lest the public should be disappointed, and he will quickly discover the unreasonableness of this Bill.

I suppose no man will deny, that methods of prosecution introduced on one occasion, may be practised on another; and that in the natural rotations of power, the same means may be used for very different ends. Nothing is more probable, my lords, if a Bill of this kind should be ever passed, in compliance with the clamours of the people, to punish ministers, and to awe the court, than that it may in time, if a wicked minister should arise, be made a precedent for measures by which the court may intimidate the champions of the people; by which those may be pursued to destruction, who have been guilty of no other crime than that of serving their country in a manner which those, who are ignorant of the circumstances of affairs, happen to disapprove.

The measures now proposed, my lords, are therefore to be rejected, because it is evident that they will establish a precedent, by which virtue may at any time be oppressed, but which can be very seldom necessary for the detection of wickedness; since there is no probability that it will often happen, that a man really guilty of enormous crimes can secure himself from discovery, or connect others with him in such a manner, that they cannot impeach him without betraying themselves.

But, my lords, whenever virtue is to be persecuted, whenever false accusations are to be promoted, this method is incontestably useful; for no reward can so efficaciously prevail upon men who languish in daily fear of public justice, as a grant of impunity.

It may be urged, my lords, I own, that all enquiries into futurity are idle speculations; that the expedient proposed is proper on the present occasion, and that no methods of justice are to be allowed, if the possibility of applying them to bad purposes, is a sufficient reason for rejecting them.

But to this, my lords, it may be answered with equal reason, that every process of law is likewise in some degree defective; that the complications of circumstances are variable without end, and therefore cannot be comprised in any certain rule; and that we must have no established method of justice, if we cannot be content with such as may possibly be sometimes eluded.

And, my lords, it may be observed farther, that scarcely any practice can be

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conceived, however generally unreasonable and unjust, which may not be sometimes equitable and proper; and that if we are to lay aside all regard to futurity, and act merely with regard to the present exigence, it may be often proper to violate every part of our constitution. This House may sometimes have rejected Bills beneficial to the nation; and if this reasoning be allowed, it might have been wise and just in the Commons and the king to have suspended our authority by force, to have voted us useless on that occasion, and have passed the law without our concurrence.

With regard to the establishment of criminal prosecutions, as well as to our civil rights, we are, my lords, to consider what is upon the whole most for the advantage of the public; we are not to admit practices which may be sometimes useful, but may be often pernicious, and which suppose men better or wiser than they are. We do not grant absolute power to a wise and moderate prince, because his successors may inherit his power without his virtues; we are not to trust or allow new methods of prosecution upon an occasion on which they may seem useful, because they may be employed to purposes very different from those for which they were introduced.

Thus, my lords, I have shown the impropriety of the Bill now before us, upon the most favourable supposition that can possibly be made; a supposition of the guilt of the noble person against whom it is contrived. And surely, my lords, what cannot even in that case be approved, must, if we suppose him innocent, be detested.

That he is really innocent, my lords, that he is only blackened by calumny, and pursued by resentment, cannot be more strongly proved than by the necessity to which his enemies are reduced, of using expedients never heard of in this nation before, to procure accusations against him; expedients which they cannot show to have been at any time necessary for the punishment of a man really wicked, and which, by bringing guilt and innocence into the same danger, leave us at liberty to imagine, that he is clear from the crimes imputed to him, even in the opinion of those who pursue him with the fiercest resentment, and the loudest clamours.

It may well be imagined, my lords, that those whom he has so long defeated by his abilities, see themselves now baffled by his innocence; and that they only now prosecute his character, to hide the true reason for which they formerly attacked his power.

I hope, my lords, I shall be easily forgiven for observing, that this is a testimony of uncorrupted greatness, more illustrious than any former minister has ever obtained; for when was it known, my lords, that after a continuance of power for twenty years, any man, when his conduct became the subject of public examination, was without accusers?

I cannot, for my part, but congratulate the noble person upon his triumph over malice, malice assisted by subtilty and experience, by wealth and power, which is at length obliged to confess its impotence, to call upon us to assist it with new laws, to enable it to offer a reward for evidence against him, and throw down the boundaries of natural justice, that he may be harassed, censured and oppressed, upon whom it cannot be proved that he ever deviated from the law, or employed his power for any other end than the promotion of the public happiness.

Had the officers of the crown, my lords, when his influence was represented so great, and his dominion so absolute, projected any such measures for his defence; had they proposed to silence his opponents by calling them to a trial, and offered a stated price for accusations against them, how loudly would they have been charged with the most flagrant violation of the laws, and the most open disregard of the rights of nature; with how much vehemence would it have been urged, that they were intoxicated with their success, and that in the full security of power they thought themselves entitled to neglect the great distinctions of right and wrong, and determined to employ the law for the completion of those purposes, in which justice would give them no assistance!

I doubt not that your lordships will easily perceive, that this censure is equally just in either case; that you will not allow any man to be prosecuted by methods which he ought not to have used in his own case; that you will not expose any man to hardships, from which every other member of the community is exempt; that you will not suffer any man to be tried by hired evidence; and that you will not condemn him whom the law acquits.

Lord *Bathurst:*

My lords; the question under our

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consideration has been so long and so accurately debated, that little can be added to the arguments on either side; and therefore, though I think it necessary on so important an occasion to make a solemn declaration of my opinion, I shall endeavour to support it, not so much by any arguments of my own, as by a recapitulation and comparison of those which have been already heard by your lordships.

It has not been denied, that the punishment of crimes is absolutely necessary to the public security; and as it is evident, that crimes cannot be punished unless they are detected, it must be allowed, that the discovery of wicked measures ought to be in a very great degree the care of those who are entrusted with the government of the nation; nor can they better discharge their trust, than by defeating the artifices of intrigue, and blocking up the retreats of guilt.

This likewise, my lords, is admitted with such restrictions as seem intended to preclude any advantage that might be drawn from the appearance of a concession; for it is urged, that guilt is not to be detected by any methods which are not just, and that no methods are just which are not usual.

The first position, my lords, I have no intention to controvert; as it is not to violate justice, but to preserve it from violation, that this Bill has been projected or defended. But, my lords, it is to be observed, that they who so warmly recommend the strictest adherence to justice, seem not fully to understand the duty which they urge. To do justice, my lords, is to act with impartiality, to banish from the mind all regard to personal motives, and to consider every question in its whole extent, without suffering the attention to be restrained to particular circumstances, or the judgment to be obstructed by partial affection.

This rule, my lords, seems not to have been very carefully observed by the most vehement advocates for justice in the case before us; for they appear not to be solicitous that any should receive justice but the person mentioned in the Bill; they do not remember, that the public has cried out for justice more than twenty years, for justice which has not yet been obtained, and which can be obtained only by the method now proposed.

It is necessary, my lords, for those who are so watchful against the breach of justice, to prove that any means can be unjust which have no other tendency than the detection of wickedness, of wickedness too artful or too powerful to be punished by the common rules of law.

The introduction of new methods of prosecution, is the natural consequence of new schemes of villainy, or new arts of evasion; nor is it necessary that precedents should be produced, when the wisdom of the legislature concurs in acknowledging the necessity of extraordinary measures. Though our constitution is in the highest degree excellent, I never yet heard that it was perfect, and whatever is not perfect may be improved. Our laws, however wise, are yet the contrivances of human policy; and why should we despair of adding somewhat to that which we inherit from our ancestors? Why should we imagine, that they anticipated every contingency, and left nothing for succeeding ages?

I think, my lords, with the highest regard both of our laws and those by whom they were enacted, but I look with no less veneration on this illustrious assembly; I believe your lordships equal to your progenitors in abilities; and therefore, since you cannot but outgo them in experience, I am confident that you may make improvements in the fabric which they have erected: that you may adorn it with new beauties, or strengthen it with new supports.

It cannot at least be denied, that your lordships have all the power of your ancestors; and since every law was once new, it is certain they were far from imagining that there was always a necessity of enquiring after precedents. If the argument drawn from the want of precedents be now of any force, let it be proved that its force was less in any former reign; and let it be considered how our government could have attained its present excellence, had this House, instead of applying to every grievance its proper remedy, been amused with turning over journals, and looking upon every new emergence for precedents, of which it is certain that there must have been a time in which they were not to be found.

In all regulations established by the legislature, it is sufficient that they do not produce confusion by being inconsistent with former laws, that they unite easily with our constitution, and do not tend to the embarrassment of the machine of government. This consideration, my lords, has been in a very remarkable manner re-

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garded by those who drew up the Bill before us; a Bill of which the noble duke has proved, that it will be so far from perplexing our judicial proceedings, that it will reconcile the law to itself, and free us from the necessity of obeying one precept by the neglect of another.

The arguments of the noble duke are such as, in my opinion, cannot be answered, or heard impartially without conviction. The maxims quoted by him are each of them incontestibly true; they are on this occasion incompatible, and this is the only method by which they can be reconciled.

Nor has he only shown the propriety of the Bill by irrefragable reasons, but has proved likewise, that it is consistent, not only with the constitution of our government, but with the practice of our ancestors; he has shown, that it may be supported, not only by reason, but by Bills of the same kind, enacted on occasions of far less importance.

He has proved, my lords, all that the most scrupulous enquirer can wish; he has made it evident, that the Bill would be proper, though it were unprecedented; he has produced many precedents in support of it, and has thereby evinced, that the only present question is, Whether it is just? To the precedents alleged by him it has been objected, that they differ in some particulars. But when, my lords, did any two actions, however common, agree in every circumstance? relations may be complicated without end, and every new complication produces new appearances, which, however, are always to be disregarded while the constituent principles remain unvaried.

If we consider the difficulties in which the opponents of the Bill have involved themselves, it will not be easy to think well of a cause, which gives birth to such wild assertions, and extravagant opinions. They have first, by requiring precedents, determined that our constitution must be henceforward for ever at a stand; and then, by declaring that no precedents are of any weight, in which every circumstance is not parallel to the case in debate, have debarred us from the repetition of any occasional law; they have declared, almost in plain terms, themselves useless, and destroyed that authority at once, which they seem so much afraid of communicating to the Commons.

But by none of their arts of subtle distinction, my lords, have they been able to evade the argument which arises from the conformity of this Bill to the common practice of our courts; an argument which has produced no other answer than loud declamations against the indecency of comparing with pickpockets and highwaymen, a noble person, a minister of acknowledged merit, long graced with the favour of his sovereign, and long invested with the highest trust.

I, my lords, am very far from pleasing myself with licentious or indecent language; I am far from envying any man that exaltation which he obtains either by good or by bad actions; and have no inclination of levelling the person, whose conduct I desire to see examined, with the profligate or infamous. Yet I cannot forbear to observe, that high rank is an aggravation of villainy; that to have enjoyed the favour of his sovereign, is no defence of him that has abused it; and that high trust is an honour only to that man, who, when he lays down his office, dares stand an enquiry.

Had there been no precedent in our judicial proceedings, my lords, which bore any resemblance to this Bill, there would not from thence have arisen any just objection. Common proceedings are established for common occasions; and it seems to have been the principle of our ancestors, that it is better to give ten guilty persons an opportunity of escaping justice, than to punish one innocent person by an unjust sentence; a principle, which, perhaps, might not be erroneous in common cases, in which only one individual was injured by another, or when the trial was by the law committed to a common jury, who might easily be misled.

They might likewise imagine, my lords, that a criminal, encouraged by a fortunate escape to a repetition of his guilt, would undoubtedly some time fall into the hands of the law, though not extended on purpose to seize him; and therefore they constituted their proceedings in such a manner, that innocence might at least not be entrapped, though guilt should sometimes gain a reprieve.

But in the present case, my lords, every circumstance requires a different conduct. By the crimes which this Bill is intended to detect, not single persons, or private families, but whole nations, and all orders of men, have long been injured and oppressed, and oppressed with such success, that the criminal has no temptation to renew his practices; nor is there any danger



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of an erroneous sentence, because the trial will be heard by this House, by persons whose integrity sets them above corruption, and whose wisdom will not be deceived by false appearances.

This consideration, my lords, affords an unanswerable reply to those who represent the Bill as ill concerted, because the evidence to be procured by it, is the testimony of men, partners, by their own confession, in the crimes which they reveal.

Every court, my lords, examines the credibility of a witness; and the known corruption of these men may be properly pleaded at the trial, where your lordships will balance every circumstance with your known impartiality, and examine how far every assertion is invalidated by the character of the witness, and how far it is confirmed by a corroboratory concurrence of known events, or supported by other testimonies not liable to the same exception.

Thus, my lords, it may be observed how quickly the clouds are dispersed with which interest or perverseness have endeavoured to obscure the truth, and how easily the strongest objections which the greatest abilities could raise against this Bill are confuted, or how apparently, when they are closely examined, they confute themselves.

One of the objections that require no answer is, that which has been raised with regard to the extent of the indemnity offered in the Bill, which, in the opinion of those that opposed it, ought to be restrained to particular persons. But that it is chiefly, if not solely, intended to be applied to those who have refused to answer the questions of the committee, I believe every lord in this House is fully convinced; it was, however, necessary to draw it up in general terms, lest other artifices might have been employed, and lest, by pointing out particular persons, opportunity might have been given to deprive the public of their evidence, by prevailing upon them to withdraw.

The Bill was justly styled, by a noble lord, a Bill to prevent "an enquiry from being impossible." The difficulty of enquiries for the public is well known; and the difficulty arises chiefly from the inability of the people to reward their advocates, or their evidence. The state of the court, my lords, is very different; the crown can not only pardon, but advance those that have on any occasion promoted its interest; and I hope it will not be too much power to be for once granted to the people, if they are empowered to throw a simple indemnification into the balance, and try whether with the slight addition of truth, and reason, and justice, it will be able to weigh down titles, and wealth, and power.

It has been urged, that there is danger lest this Bill should become a precedent. I hope, my lords, the same occasion will not often happen; and whenever it shall hereafter occur, the precedent of passing the Bill will be much less dangerous than that of rejecting it.

I hope it is not necessary to say more on this occasion; yet I cannot forbear to remind some lords of the fatal consequences which at critical conjunctures they have often dreaded, or appeared to dread, from a disagreement of this House with the Commons. At this time, in which the nation is engaged in war, when the whole continent is one general scene of discord and confusion; when the wisest counsels, the firmest unanimity, and the most vigorous measures, are apparently necessary, it might not be improper to reflect, how unseasonably we shall irritate the Commons by rejecting this Bill, and how justly we shall exasperate the people, by showing them that their complaints and remonstrances are of no weight; that they must expect the redress of their grievances from some other power; and that we prefer the impunity of one man, to the happiness and safety of the public.

The Earl of *Ilay*:

My lords; as there has in this debate been very frequent mention of extraordinary cases, of new modes of wickedness, which require new forms of procedure, and new arts of eluding justice, which make new methods of prosecution necessary, I cannot forbear to lay before your lordships my sentiments on this question; sentiments not so much formed by reflection as impressed by experience, and which I owe not to any superior degree of penetration into future events, but to subsequent discoveries of my own errors.

I have observed, my lords, that in every collision of parties, that occasion on which their passions are inflamed, is always termed an extraordinary conjuncture, an important crisis of affairs, either because men affect to talk in strong terms of the business in which they are engaged, for the sake of aggrandizing themselves in their own opinion and that of the world,

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or because the present object appears greatest to their sight by intercepting others, and that is imagined by them to be really most important in itself, by which their own pleasure is most affected.

On these extraordinary occasions, my lords, the victorious have always endeavoured to secure their conquest, and to gratify their passions by new laws, by laws, even in the opinion of those by whom they are promoted, only justifiable by the present exigence. And no sooner has a new rotation of affairs given the superiority to another party, than another law equally unreasonable and equally new, is found equally necessary for a contrary purpose. Thus is our constitution violated by both, under the pretence of securing it from the attack of each other, and lasting evils have been admitted for the sake of averting a temporary danger.

I have been too long acquainted with mankind to charge any party with insincerity in their conduct, or to accuse them of affecting to represent their disputes as more momentous than they appeared to their own eyes. I know, my lords, how highly every man learns to value that which he has long contended for, and how easily every man prevails upon himself to believe the security of the public complicated with his own. I have no other intention in these remarks, than to show how men are betrayed into a concurrence in measures, of which, when the ardour of opposition has subsided, and the imaginary danger is past, they have very seldom failed to repent.

I do not remember, my lords, any deviation from the established order of our constitution, which has not afterwards produced remorse in those that advised it. I have known many endeavour to obviate the evils that might be produced by the precedents which they have contributed to establish, by public declarations of their repentance, and acknowledgments of their error; and for my part, I take this opportunity of declaring, that though I have more than once promoted extraordinary Bills, I do not recollect one which I would not now oppose, nor one of which experience has not shown me, that the danger is greater than the benefit.

I have learned at length, my lords, that our constitution has been so formed by the wisdom of our ancestors, that it is able to protect itself by its own powers, without any assistance from temporary expedients, which, like some kinds of medicines in the human body, may give it the appearance of uncommon vigour, but which, in secret, prey upon its noblest parts, and hurry it to a sudden decay.

But none of all the measures into which I have seen parties precipitated by acrimony and impetuosity, have I known parallel to the Bill which is now defended in this House; a Bill which I hope we shall have reason to term the wildest effort of misguided zeal, and the most absurd project that the enthusiasm of faction ever produced.

The particular clauses of this Bill have been already examined with great acuteness and penetration, and have all been shown to be absurd or useless. I shall therefore only add this observation, that the indemnification, however liberally offered, will be wholly at the disposal of those who shall receive the examinations, by whom, when such discoveries are not made as they may happen to expect, the witnesses may be charged with reserve and insincerity, and be prosecuted for those crimes which could never have been known but by their own confession.

It is not impossible, but that if the bait of indemnification shall be found insufficient to produce testimonies against the noble person, a Bill of pains and penalties may be attempted to terrify those who are too wise to be ensnared by specious promises; for what may not be expected from those who have already sent their fellow-subjects to prison, only for refusing to accuse themselves?

Nor can I discover, my lords, how the most abandoned villains will be hindered from procuring indemnity by perjury, or what shall exclude a conspirator against the life and government of his majesty from pardon, if he swears, that in a plot for setting the Pretender on the throne he was assisted by the counsels of the earl of Orford.

It has indeed been in some degree granted, that the Bill requires some amendment, by proposing that the necessary alterations may be made to such parts of it as shall appear defective to the committee, which would indeed be highly expedient, if only some particular clauses were exceptionable; but, my lords, the intention of the Bill is cruel and oppressive; the measures by which that intention is promoted are contrary to law, and without precedent; and the original principle is false, as it supposes a criminal previous to the crime.

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It is urged as the most pressing argument by the advocates for the Bill, that it ought to be passed to gratify the people. I know not, my lords, upon what principles those who plead so earnestly for rigid justice, can endeavour to influence our decisions by any other motives; or why they think it more equitable to sacrifice any man to the resentment of the people, than to the malice of any single person; nor can conceive why it should be thought less criminal to sell our voices for popularity than for preferment.

As this is, therefore, my lords, a Bill contrary to all former laws, and inconsistent with itself; as it only tends to produce a bad end by bad means, and violates the constitution not to relieve but to oppress; as the parts, singly considered, are defective, and the whole grounded upon a false principle, it neither requires any longer debate, nor deserves any farther consideration; it is rather to be detested than criticised, and to be rejected without any superfluous attempt for its amendment.

The question being then put, Whether the Bill should be committed? It was resolved in the negative. Content 47, Proxies 10—57. Not Content 92, Proxies 17—109.

*Protest against not committing the Bill to indemnify Evidences against the Earl of Orford.*] Upon this, the following Protest was entered on the Journals:

"Dissentient' MACCLESFIELD.

1. "Because the rejecting of this Bill, founded, as we conceive, upon reason and justice, warranted by precedents, authorised by necessity, and called for by the general voice of the nation, may appear a manifest obstruction to public justice, in the present great and important case, and a most certain defeat of it for the future, in all cases of the like nature.

2. "Because it is an uncontroverted maxim of the law of England, that the public has a right to every man's evidence, and yet, by the same law, no man is obliged to accuse himself; and as the accomplices of guilt are frequently the only witnesses of it, we conceive, that both prudence and justice point out this method of impunity to some, as absolutely necessary towards discovering the guilt of others; and thereby dissolving those confederacies, which, formed by common guilt, can only subsist while they are cemented by common danger. From these undeniable principles we apprehend this Bill ought to have passed, in order to preserve the rights of the public, and the rights of individuals.

3. "Because this Bill is justified by many Bills of a much stronger nature, in cases of much less consequence to the public, such as the cases of sir Thomas Cooke, the masters in chancery, sir Robert Sutton, Thompson, and others, in some of which, the persons indemnified, in order to give their evidence, were, at the same time, compelled, under severe penalties, to give it. And as there is a power not only of indemnifying, but rewarding, necessarily lodged in the crown, in order to bring criminals to justice, by evidence known to, and within the reach of the laws, so we apprehend, that in an enquiry after crimes, that may affect the being of the whole, the people have a right to the exertion of that power with which the legislature is undoubtedly vested, to come at such evidence as may make that enquiry effectual to their future security.

4. "Because the legislature has exercised this power in many instances, relating to particular branches of the revenue, in order to prevent frauds, the persons concerned in such frauds being not only indemnified, but rewarded also; and for the private utility of one company, the legislature, by the 9th of king George the First, after forbidding any person to be concerned in promoting an East India Company in the Austrian Netherlands, gives to our East-India Company a power to prosecute by Bill in Chancery, or court of Exchequer, any person whom they shall suspect, obliging such person to make discovery upon oath, though such discovery subjects him to a forfeiture. As also for the better discovery of felonies the legislature has thought fit by an act, 5th of queen Anne, to pardon any person not only of the felony discovered, but of all other felonies he has ever been guilty of, upon his making a discovery of two persons who shall thereupon be convicted of any burglary or felony, and that discoverer is also intitled to a reward.

5. "Because the rejecting this Bill may prove a dangerous precedent of fatal consequence to this constitution, since, whenever this nation shall be visited by a wicked minister, those who shall have served him in defrauding and oppressing the public, and in corrupting individuals, will be furnished with an excuse for refusing their evidence, their danger will pro-

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duce his security, and he may enjoy with safety the plunder of his country; nay, we even apprehend, that the rejecting of this Bill may be misunderstood by those who can make any discovery, as if this House designed to discourage any evidence whatsoever, that could affect the person whose conduct the Secret Committee was appointed by the House of Commons, to enquire into. A minister may be removed from his place, and not from his power; he may be removed from both, and not from the favour of his prince; nay, he may be deprived of all three, and yet his successor may think his interest and future safety, and his prince may imagine his authority, concerned in protecting him from either punishment or enquiry. In any of which cases all written evidence, all office proofs, will be secreted or refused; and if verbal evidence be rendered impracticable too (which the rejecting of this Bill will furnish a precedent for) we conceive we might as well have passed an act of indemnity to all future ministers.

6. "Because we can by no means agree to the argument principally urged against this Bill, that there were not proofs of guilt against this person sufficient to justify the passing it; whereas, in our humble opinions, the voice of the nation, the sense of the other House, and the lamentable situation of this kingdom, both at home and abroad, create suspicions which not only justify, but even call aloud for enquiry; which enquiry must necessarily prove ineffectual, unless the proper methods are taken to support it, of which we apprehend this Bill to be one, and a proceeding so just, that no innocent man would desire to avoid it, and no guilty one ought to escape it. Moreover the reasons assigned by the persons whose behaviour gave rise to this Bill, for refusing their evidence, is a sufficient implication that it would affect the earl of Orford, since they admit it would affect themselves.

7. "Because we conceive that the rejecting this Bill may create great disaffection in the nation, to the diminution of the credit, and consequently of the authority of this House, when the people find themselves disappointed in their just expectations of having a strict enquiry made into the conduct of the earl of Orford, which they have so long called for in vain, and hoped they had at last obtained. Groaning under the undiminished load of national debts and taxes, notwithstanding a long peace; trembling under the terrors of multiplied penal laws; deploring their sacrificed honour, and their neglected interests; the balance of Europe overturned abroad, and the constitution endangered at home; they call for enquiry; they seek for justice; they hope for redress: the other House has taken the proper steps to answer these expectations; the enquiry begun there could only have been rendered effectual in one material point by this Bill; which being rejected by this House, from whence they expect justice and redress, we fear their blasted hopes, which, for a time, may seem sunk into a slavish despondency, may at last break out into disorders, more easy, possibly, to foresee than to remedy.——*(Signed)* Denbigh, Chesterfield, Oxford and Mortimer, Bathurst, Ward, Thanet, Foley, Aylesford, Westmoreland, Abingdon, Berkshire, Gower, Northampton, Boyle, Coventry, Rockingham, Greenwich, R. Lincoln, Dunk. Halifax, Craven, Falmouth, Bedford, Cobham, Carlisle, Aylesbury, Sandwich, Litchfield, Beaufort, Shaftsbury, Leigh, St. John, Haversham."

It was then ordered, That the said Bill be rejected.*

* "Notwithstanding the late clamour against the earl of Orford, the rejecting this Bill was considered by the public as a material piece of justice. The Secret Committee had disappointed the enemies of the minister, by the insignificancy of the discoveries they had made; and the immense sums which he had bestowed upon writers and printers, in defence of his administration, though very clearly made out, was treated rather with ridicule than detestation. Neither his friends nor his enemies were ignorant that easiness of nature was his chief failing, and, to that, this unseasonable liberality was attributed. As to the great charge against him of corruption at elections, all the industry that had been employed, could bring out very little against him; and that too was so very ill-supported, that it did not amount to a direct charge against him. Some doubtful facts, with regard to a contract, for paying the troops in America, were urged, and the names of Barrel, Bristow, and some other members of parliament, were brought in question, but nothing could be fixed either upon them or the minister, that was so much as reprehensible. Some dealings about the corporation of Weymouth bore the worst aspect against him, but when they are candidly considered, they are very immaterial, amounting to no more than that some officers of the revenue in Weymouth were turned out in order to serve two friends of the

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*Debate in the Commons on the Rejection by the Lords of the Bill to indemnify Evidences against Robert Earl of Orford.**]

May 26. A motion being made by lord Hilsborough, and seconded by lord Barrington, for appointing a Committee to search the Journals of the House of Lords, as to what proceedings are therein, with relation to the Bill, intituled, "An Act for indemnifying such persons, as shall upon examination make discoveries, touching the disposition of public money, or concerning the disposition of offices, or any payments or agreements in respect thereof, or concerning other matters, relating to the conduct of Robert earl of Orford, and to make report thereof to the House," the same was agreed to: On a division, Ayes 164, Noes 159: And a committee was appointed accordingly.

May 27. Lord Hilsborough having made a report from the said committee, a motion was made by lord Strange, and seconded by lord Quarendon, "That the Lords refusing to concur with the Commons of Great Britain, in an indemnification necessary to the effectual carrying on the Enquiry now depending in parliament, is an obstruction to justice, and may prove fatal to the liberties of this nation." This occasioned a warm debate,* in which

Lord *Hilsborough* spoke as follows:

Sir; When the nation has been oppressed and plundered by a wicked minister, or when there is a general suspicion among the people that it has been so, public justice requires, that the conduct of such a minister should be fully and strictly enquired into, that he may be condignly punished if guilty, or his character cleared from suspicion if innocent: and when in the course of that enquiry it appears, that he has been so cunning as to prevent its being possible to carry it on with effect by the laws in being, such new laws ought to be made as may appear necessary for attaining that end. That there is a general suspicion against our late minister, I believe, no man can be ignorant who has ever been in any coffee-house, or other place of public resort, frequented by those who dare avow the sentiments of their heart; and from the fate of the Bill which, we now find, has been rejected by the other House, I am convinced, that those suspicions are well grounded; for it is impossible to suppose, that such a Bill would have met with such an opposition in this House, or such a fate in the other, if the conduct of our late minister had been blameless.

As the nature and the necessity of that Bill were fully explained, and made evident to a majority of this House in the debates that happened upon it here, I have no occasion to repeat what was said upon either. The Bill was shewn to be of such a nature as could do no prejudice to any innocent man; and it was demonstrated, to a majority at least of this House, that without such a Bill being passed into a

minister at the general election. So petty an abuse, if it was an abuse, of power, never had been animadverted upon in other reigns against the meanest servant of the crown, but was now swelled in the report, made by the Secret Committee, into an almost capital charge; but when it became public it was disregarded." Tindal.

* "The rejection of the Indemnification Bill by the peers gave great uneasiness to many, who really remained in the anti-ministerial party, and they resolved to make a trying motion, which should put the intentions of the new ministers in the Secret Committee entirely out of doubt. For on the 26th of May, the very day after the Bill had been rejected by the Lords, a motion was made in the House of Commons, "That a committee should be appointed to search the Journals of the House of Lords for precedents in relation to the foresaid Bill." As the whole scope of this motion was not understood by all the House, the motion was carried by a majority of 164 against 159, and a committee, which was to make a report, was accordingly appointed. The report being next day made by lord Hilsborough, a motion ensued, 'That the Lords refusing to concur with the Commons of Great Britain, in an indemnification necessary to the effectual carrying on the enquiry now depending in parliament, was an obstruction to justice, and may prove fatal to the liberties of this nation.' When the temper of the people of England, at the time this motion was made, is duly weighed, it is hard to say, what the consequence might have been, had it succeeded. The new ministers, who were in the secret of affairs, were somewhat at a loss to oppose it decently, as they had been industrious in declaring, that the indemnification was absolutely necessary. A long and a sharp debate ensued, and the new ministers declared themselves strongly against the motion, whilst the country-party supported it with equal keenness. It happened fortunately that some of the Tories in the House did not think matters had gone so far as to make it necessary to agree to a motion, which might throw the public into convulsions, and therefore voted against it, by which it was lost." Tindal.

* From the London Magazine.

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law, it would be impossible for our Secret Committee to make any discovery, even of those crimes, which from the obstinacy of some of the persons examined by them, there is too good a ground for supposing to have been committed. It is therefore evident, that by this Bill being rejected by the other House, the course of our enquiry is obstructed, and the people for this session at least disappointed of that justice they had a right to expect from parliament. But this is not all: the rejecting of this Bill will be attended with consequences, which in a two-fold respect must be dangerous to our constitution. It will make the people begin to despise parliaments, and despair of ever meeting with any relief from them; and it will make all future ministers more daring in their attempts to overturn the freedom and independency of parliament. If any minister should ever succeed in such an attempt, the people would certainly, in a very short time, have reason to hate parliaments: nay, they would probably join with the prince in laying them entirely aside; for an absolute government, without any form of liberty, is certainly better and more tolerable than a government supported by an assembly of men, who, under pretence of being the guardians of public liberty, take every opportunity to betray it, and serve for nothing but that of making the government more expensive, and the prince more arbitrary.

We have, it is true, in this session made some steps towards preventing this fatal consequence: our having established a Secret Committee; our having named of that committee a set of gentlemen, most of whom were generally approved of by the people; and our having passed the Indemnifying Bill for rendering their enquiry effectual, are proofs that we were in earnest: but I wish our endeavours had been more vigorous and speedy; for considering that we might have easily foreseen and prevented what has now come to pass, I am afraid, lest the people should suspect the integrity of our intentions. They may perhaps imagine, that we knew our enquiry would be ineffectual, without an Indemnifying Bill for encouraging accomplices to become informers; and that we delayed the bringing in and passing that Bill, till after we had passed the Mutiny Bill, and granted all the supplies, that it might be safely rejected by the other House. Such a supposition may at this time be the more probably made, because it is well known, that some Bills have been lately passed in this House without opposition, and, perhaps, with the concurrence of some who were, in their hearts, against the Bill, for no other reason, but because they were sure of the Bill being rejected by the other House.

I am far from saying, Sir, that there is any real ground for such suspicions; but they are such as may be entertained, and they are such as we ought in duty to ourselves, and for the sake of the character of this House, to endeavour to prevent. In this session we cannot, I think, take any other method for preventing it, than by declaring openly our sentiments of this Bill being rejected by the other House; and therefore I have prepared a motion, in which I cannot doubt of having the concurrence of the House. I know I am not to expect the concurrence of those who declared against the Bill, even when it was passing through this House; but as it was in every step carried by a majority, and as every gentleman, who was a real and sincere friend to the Bill, must be of opinion, that the rejecting of it is an obstruction to justice, and of the most dangerous consequence to our liberties, I shall, and I think I may with hopes of success, move you to resolve, "That the Lords refusing to concur with the Commons of Great Britain, in an indemnification necessary to the effectual carrying on the enquiry now depending in parliament, is an obstruction to justice, and may prove fatal to the liberties of this nation."

Mr. *Sandys:*

Sir; I hope no man doubts of my inclination, or my sincerity, in carrying on the enquiry that has been set on foot, or in being a friend to any thing that has been proposed for rendering it effectual: and yet I cannot agree with the noble lord in the motion he has been pleased to make to you, because I think it has a very different tendency: in my opinion, it would bring on an immediate dissolution of our present form of government; for after our agreeing to such a motion, I should expect, that the next motion would be, to vote the other House useless, and that it ought therefore to be laid aside. I disapprove, as much as any man can do, of the conduct of the other House, in rejecting the Indemnifying Bill we sent up to them, because I thought such a Bill necessary for obtaining justice to a nation

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that has, in my opinion, been greatly injured; but though I disapprove of the conduct of the other House in this particular, I do not for that reason think it ought to be laid aside, or that we have any right to pass a censure upon it. The Lords are generally called the upper House of Parliament, and though it is not from thence to be inferred, that they are superior to us, yet it must be allowed, that they are quite independent, and have as good a right to refuse any Bill we send to them, as we have to refuse any Bill they send to us; and we cannot surely pretend to censure them for making use of a right which we acknowledge to be inherent in them.

But suppose, Sir, we should agree to censure the other House for what they have done, without pushing our resentment farther, our censure would do more harm to ourselves than it could do to them, because it would bring us into contempt. Those who have no power to punish, should always abstain from censuring, because it makes their want of power be taken notice of; and as soon as their want of power comes to be generally known, their censures will become ridiculous. We ought not therefore to agree to this motion, without first resolving to push our resentment farther; and I do not see how we can do so. We succeeded once, it is true, in voting the other House useless, and consequently laying them entirely aside, but we then had the army at our command, which we cannot now pretend to; and if we had, the consequence of that proceeding can be no great encouragement for practising it a second time; for that very army which enabled the Commons to turn the Lords out of doors, afterwards assisted their general in turning the Commons out of doors, and supported him in the exercise of a most arbitrary and tyrannical power over these three kingdoms during all the days of his life.

The fate of these kingdoms at that time, Sir, should be a warning to latest posterity, to beware of attempting any thing that may tend to introduce confusion, by overturning a regular and well established government, which, in all appearance, would be the consequence of this motion being agreed to, even suppose we should proceed no farther; for after our having passed such a severe censure upon the other House, it would be inconsistent with their honour to have any correspondence with us, or to receive any message, or any Bill from this House of Commons. This would lay his majesty under a necessity of dissolving the present parliament; and if a new House of Commons should be chosen of the same complexion, they would probably revive the censure of their predecessors, which would bring his majesty under the necessity of governing without a parliament: A necessity which would, I am sure, be most disagreeable to him, and a necessity which might be of fatal consequence to the nation, because it would probably be attended with a civil war.

These consequences, I think, Sir, are most justly to be apprehended from our agreeing to this motion; and if any such consequence should ensue, would it not put an end to all parliamentary enquiries, either in this or any future session of parliament? Our committee may not, perhaps, be able to make such ample discoveries as they might have made, had this Bill been passed into a law; but none of them have as yet said, they can make no discovery. The contrary might, perhaps, be made appear; and they may in this session make such farther discoveries as may induce the other House to agree to a new Bill, of much the same purport with that they have now rejected. But suppose this should not be the case: suppose no material or full discovery should be made during this session: the enquiry may be revived, and a new secret committee appointed, as soon as we meet in the next session: The same Bill may then be revived, and sent up to the other House at a time when it would be dangerous for them to disagree to it; or a new Bill may be contrived, which, in my opinion, would be the best method; and as we now know the objections they made to our former, we may form our new Bill in such a manner as to obviate all those objections.

For these reasons, Sir, I cannot join in asserting expressly, that our late Bill being rejected is an obstruction to justice; because I am not sure of our being quite unable to come at justice without that Bill, and because if we do not come at it in this session, we may in the next; but should this motion be agreed to, I am sure, we can never come at justice in a parliamentary method, either in this session or the next, nor, perhaps, in any future. It would, in my opinion, unavoidably, produce a civil war; and this surely is an event which ought at all times to be



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most cautiously guarded against, but especially in the present conjuncture, when the trade and navigation of this island is in danger of being destroyed by one power, and the liberties of Europe by another; and these by their situation, genius, and interest, the two most constant and dangerous enemies this nation has in the world.

I am therefore convinced, that if the two noble lords who made and seconded this motion, had read and been well acquainted with the history and constitution of their country, they would not have offered such a motion to your consideration. Can they say, they have studied our Journals with that attention which is necessary for forming a complete idea of all the consequences that may ensue from such a motion? From their youth it is hardly possible to suppose they have; and from their known attachment to the liberties and constitution of their country it is evident they have not; for no one that knows them can suspect them of any evil intention. I therefore hope, when they have considered what I have said, and what may be said by other gentlemen in the debate, that they will drop their motion; for though I am convinced, it can meet with no success, yet the very appearance of it upon our Journals may produce some of the bad effects I have mentioned; and these, I hope, when they are apprised of them, they will be ready and willing to prevent.

Sir *John Hind Cotton:*

Sir; I would not have my old friend, now over against me, though formerly he used to be of the same side with me, I say I would not have him, nor some other gentlemen in the House, imagine, that no man doubts of their sincerity in the effectual prosecution of the enquiry we have set on foot; for I can assure them, there are many without doors who now begin to doubt of it; but if a negative should be put upon this motion, those doubts will be at an end: most men will then be convinced, not of their sincerity but of their want of it; and therefore, if those gentlemen have any regard for what is said or thought of them, they will not allow themselves to be frighted by chimerical dangers, from vindicating their own characters, as well as the character of this House, from those aspersions that will certainly spring up from the bad success of our enquiry occasioned by the rejecting of our Bill.

It is well known, Sir, without doors as well as within, that a new minister generally endeavours to cast a slur upon the administration of an old one, in order to add a lustre to his own, and to gain a little applause at the beginning of his reign; but he always takes care to prevent the former's meeting with condign punishment, lest he should thereby prepare a rod for his own back; for it is ten to one but in few years he may deserve punishment as much as his predecessor. It is likewise well known without doors as well as within, by whose eloquence and advice our Bill was rejected in the other House; and considering their intimacy and connection with some gentlemen in this, who appeared to be strenuous advocates for the Bill, people already begin to suspect that the latter had some sort of fore-knowledge of the fate of the Bill, which gave them an opportunity of gaining a little popularity by declaring for a Bill which they were in their hearts against; because if it had been passed into a law, they were afraid, it would have brought to light such a scene of iniquity, as would have put it out of their power to prevent the criminal's meeting with condign punishment. Such a suspicion, I say, has already arisen, and if by means of those gentlemen this motion should meet with the same fate in this House, as our Bill met with in the other, that suspicion will be confirmed.

I am surprised, Sir, to hear gentlemen say, that if this motion should be agreed to, they should expect its being followed by another motion for voting the House of Lords useless. Surely, I may tell a man he has done wrong, without any design or desire to murder him. On the contrary, if I am really his friend, I ought to tell him my opinion, in order to prevent his doing the like for the future, especially if his safety as well as his character should depend upon his doing so no more. This Sir, is really the case at present betwixt us and the House of Lords. That House has done wrong: the hon. gentleman himself says he thinks they have done wrong: I think so as well as he: he is for smothering his opinion, and thereby sacrificing his friendship to his complaisance: I am for telling them bluntly what I think: pray, which of us is the truest friend to that House?

Sir, in all cases that will admit of it, I shall be for treating my friend with complaisance; but in a case where his safety or character is concerned, complaisance



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is treachery: I abominate it: I despise the man who, upon such an occasion, would make use of it. This, Sir, is the light in which the present question appears to me. The very being, as well as the character of the other House, depends upon their rejecting no more such Bills as that we have lately sent up to them. It was not the army: it was not the Commons, that put an end to the existence of that House in king Charles the first's time: it was their own conduct. By refusing their consent to popular and necessary laws, by endeavouring to screen guilty ministers, they rendered their House hateful to the people. This enabled the Commons and the army to turn them out of doors; and the general's being in a condition afterwards to turn the Commons out of doors flowed from the same cause. If ever the like case should again happen, the same cause may very probably produce the same effect; and therefore what happened at that time should be a warning to the other House, as well as this, to endeavour at all times to preserve a good character among the people.

I shall readily grant, Sir, that at that time there was such a spirit of republicanism and enthusiasm prevailed among the people, that it was difficult for the other House to preserve a popular esteem, without sacrificing our constitution both in church and state; but this spirit had been raised and propagated by the conduct of those who were at that time our ministers; and in all such cases common prudence makes it necessary to yield a little to the impetuosity of the times. This should make all ministers cautious of raising too violent a spirit among the people against them; for when they do, it will always be necessary for the parliament to proceed against them with more severity than they may perhaps deserve; and those of either House, who have a true regard for their sovereign, and for the constitution of their country, will take care to remove and punish a minister before he has, by his conduct, converted the discontents of the people into a spirit of disaffection; for when this happens, the example of king Charles the first's reign is a proof of its being almost impossible to confine it within any moderate bounds.

This, Sir, I think, we are in some danger of at present, especially if it should begin to be generally thought without doors, that both Houses of Parliament have joined in screening a guilty minister, and in amusing the public with a sham enquiry into his conduct. The present motion therefore, if complied with, may answer, and is, I believe, designed for answering two most salutary purposes; that of letting our friends, the Lords, (I hope I may yet call them so) know their danger; and that of rescuing this House from the danger of becoming despicable in the eyes of the people. This motion is so far from being designed as a censure upon the conduct of the other House, that it is designed as an act of friendship. We certainly know the sentiments of the people better than they can be supposed to do; therefore we are, and, I think, we ought to tell them what we, and, I believe, the far greatest part of the nation, think of their having rejected that Bill we so lately sent up to them. This may prevent their bringing themselves into that contempt, which a few more such steps as this will certainly bring them into. Therefore as friends to them, as friends to our constitution, and as faithful subjects to our sovereign, we ought to agree to this motion.

But suppose, Sir, it were to be looked on as a censure. Is not censure itself sometimes the duty of a friend? Does not the church censure or admonish before she excommunicates? We are not by this motion to excommunicate the other House; and, I hope, they will not excommunicate this, even though we should agree to this motion. If they should, as we have the purse in our power, they would find themselves no great gainers by the bargain. They are sufficiently sensible of this, and therefore we have no occasion to fear their resolving to receive no more messages or Bills from this House. Their honour could not be any way concerned in the question; because if they took it right, they would take it as a friendly admonition; and though they cannot recal what is passed, I hope, they would for their own sakes take care to give us no more room for such a censure.

That they have a right to refuse any Bill we send up to them must be acknowledged; but that we have no right to find fault with the use they make of that right, no man surely can with any reason pretend. May not a man make a bad as well as a good use of any right he enjoys? And if he makes a bad use of it, has not every other man a right to say he does, and to censure him for so doing? Censure, Sir, when it is just, though it proceeds

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from no legal authority, nor from any superior jurisdiction, will always carry punishment along with it. It affects the character of the person censured, and will affect it more or less, according to the justice and weight of the censure. Therefore a man who has no power to inflict any legal punishment may censure, without running any risk of incurring contempt. Nay, a man may often, for his own sake, be obliged to censure the conduct of his friend, in order to shew that he had no share in advising, nor had approved of that conduct, which leads me to the other purpose this motion is designed for.

To vindicate the character of this House from any reproach will always, I hope, be considered as a concern worthy of our attention; and considering the general reproach that will certainly be thrown upon the rejecting of this Bill, I think it concerns us highly to convince the world, that we were no way privy or consenting to its being rejected. The two Houses of Parliament generally are looked upon, I hope there will always be reason to look upon them as friends; and therefore, if one does a wrong thing, and the other does not openly disclaim it, an imputation will fall upon both. This is the case in private life, and this will always be the case with two public assemblies that have such a connection together as our two Houses of Parliament have, especially when it is known that there is a close intimacy and friendship between the members of the one and the members of the other. As to my own private concern, if I had no regard for the character of this assembly, I might be perfectly easy; for most of the lords of my acquaintance have, in the most solemn manner, declared their dissent to the rejecting of this Bill. But I have a concern for the character of this House: as a friend to the constitution, as a dutiful subject to his majesty, I think myself obliged to have a concern for it; and thank God! no one, either of our new or old ministers, has such an influence over me, as to prevent my expressing that concern and acting accordingly. I therefore think it is absolutely necessary for us, upon this occasion, to take some method for convincing the world, that we had no fore-knowledge, nor so much as a previous suspicion, that a Bill so necessary for discovering the conspiracy, that has for several years been carrying on against the liberties of this nation, by a minister and his creatures, was to be rejected by the other House; and as I can suggest no better method than what the noble lord has been pleased to propose, I shall be for agreeing to it.

The other House, Sir, neither ought, nor will, nor can resent it. It is a liberty we have often taken, and do usually take at conferences, to declare very freely our opinion of their proceedings. There is, therefore, no danger of a breach between the two Houses, and much less of a civil war, from our agreeing to this motion; but if a negative should be put upon it, and an encouragement thereby given to prosecute those screening measures which seem to be already concerted, I may prophecy, that a civil war will certainly at last be the consequence; for, I hope, the people of England are not so senseless, or so cowardly, as to allow slavery to be fixed upon them, under the form of a free government; which will be the consequence, if the corruption practised by ministers is never to be detected nor punished.

The hon. gentleman talks of what our committee have done, or may do, and of the other House being induced to pass some such Bill as that they have rejected. Sir, it is impossible from the very nature of the thing: the hon. gentleman himself shewed, in our debates upon that Bill, that it would be impossible for them to make any great discoveries, unless the accomplices were, at least, enabled to come in and inform. Let our minister have been never so criminal, we cannot suppose him so weak as to have left any written vouchers of his villainy behind him; especially considering the long indulgence he had, after he knew he was to be dismissed, to ransack all the offices, and destroy every paper that might rise up in judgment against him. We must therefore suppose, that the rejecting of our Bill has put it out of the power of our committee to make any material discovery, especially such a full discovery as will be necessary for convincing those that have no mind to be convinced: this, I am almost sure, is the case of a majority in the other House, and, I am afraid of some in this, who are not as yet suspected of being in such a case: and from the principle upon which our Bill was rejected in the other House, we must suppose, that while they adhere to that principle, no discovery can induce them to pass such a Bill. To encourage informers, by granting them a pardon as to themselves, was said to be unjust and

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dangerous to innocence. Petty thieves may, it seems, be encouraged by a reward as well as a pardon, to inform against one another; but great and public plunderers are to remain intrenched in their mutual danger, from which no one is to be allowed to escape, lest he should betray the secret avenue by which alone his confederates may be come at.

This, Sir, was the principle, ridiculous as it is, upon which our Bill was rejected in the other House; and while they adhere to this principle, can we expect they will agree, either in this session or the next, to any sort of indemnifying Bill? To pretend to argue men out of a first principle, let it be never so absurd, is ridiculous, because it is impossible: if they be obstinate they must be beat out of it: if they be mad they must be physicked out of it. A strong purgation, I mean as to salaries and pensions, would, I believe, be the best method the nation could take for obtaining justice from parliament, both in this case and every like case that may happen hereafter. We cannot therefore expect success for any such Bill, either in this session or the next; unless by agreeing to this question we shew that we are resolved to administer such a remedy, if this principle be not given up by those who are its present supporters,

How the hon. gentleman comes to talk of what may be done in the next session, I do not know; for, I hope, none of those who have the honour of being his majesty's counsellors, will advise him to put an end to this session by a prorogation, till the nation has obtained satisfaction. A short recess would, I know, be agreeable to most gentlemen, but this we may be indulged in by an adjournment as well as a prorogation. Our committee might then sit in the mean time, in order to carry on their inquiries; and when we assembled again, we might proceed from where we left off at our last meeting; but a prorogation will put an end to our committee, and oblige us to begin every thing afresh. Therefore, if this question should be rejected, and an end put to this session by a prorogation, before the nation has obtained any satisfaction, I am sure, I shall expect no justice nor satisfaction; no, nor the least step towards it, from the next session of parliament, nor from any session of this parliament, unless the people should be so wise, as to make this House change its complexion, by the new members they send up to us, instead of those whose seats may happen to become vacated.

Lord *Cornbury*:

Sir; I was very much suprised when I first heard this motion made to you, and consequently was extremely curious to hear what could be said in favour of such an extraordinary and unprecedented motion. As soon as I heard it, I thought it unconstitutional, dangerous and useless; and as I have a great regard for the young nobleman that moved it, as well as for those gentlemen that have spoke in its favour, I have attended to the debate with a sort of prejudice; waiting, and even wishing, to hear something said that might alter the first impression it made upon me; but I have been very much disappointed, for those impressions have been made deeper and stronger, even by what I have heard in its favour. As our constitution consists of three separate branches, each of which, while they are distinct and independent, will always be a check for preventing any oppression's being exercised, or injustice done, by either of the other two, the very being of our constitution depends upon preserving a distinctness and independency, and at the same time a good correspondence between the three branches of our legislature; and consequently our constitution would be destroyed, if this mutual good correspondence should be interrupted, or if any one of them should gain an influence, and much more, a power or jurisdiction, over either of the other two.

If we design, Sir, that this censure should be taken notice of by the other House, so as to direct or overawe their proceedings upon any future occasion, the very design is inconsistent with our constitution; because it is a design to gain such an influence over them, as will destroy their independency, upon which our constitution subsists. Therefore, if this censure should be taken notice of in the manner we design it should, it is unconstitutional; and if it is to be taken no notice of, it is useless; but as it is in my opinion, very far from being decent, I believe it will be taken notice of by the other House, not in the manner we design, but in such a manner as will destroy that good correspondence which now subsists between the two Houses, and upon which the preservation of our constitution depends; therefore I must think it extremely dangerous, and as I think it will be of no use to us, I cannot for this reason agree to it.

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Mr. *Cornewall:*

Sir; as I very seldom speak so late at night, I flatter myself, that the House will excuse me for now doing it, especially as I shall chiefly endeavour to answer the noble lord who spoke last, and the learned gentleman behind me; though, I think, as that gentleman was an enemy to every clause in the Bill, now thrown out by the other House, which was to indemnify those who were to give evidence to the secret committee against the earl of Orford, I should murder our time, were I to spend it in obviating any objections made by him, or any of his friends, who have been so uniform and consistent with themselves, in the violent opposition they have made to every thing that tended in the least towards promoting the enquiry.

But as to that part of his speech, wherein he thinks it pretty odd, that this House should have a power to inspect the journals of the other House, and asks, what right we have to censure another superior House of Parliament? I have, Sir, no less authority than your own to say, that both Houses of Parliament are equal; and that we only exercise a power our ancestors have used before. As the learned gentleman has now and on other occasions, taken a kind of pleasure in paring down the powers of this House, I hope, he will soon, for his long and implicit services to his majesty, be sent hence to preside in Westminster-hall, and take this trite piece of advice thither along with him; that it is the part of a good judge, not to curtail but amplify his own jurisdiction.

Unless we now exercise this right, and lay the blame at the right door, our constituents will not think we have done our utmost, and been in earnest, in putting a great state criminal fairly on his trial; and nobody who reads that inimitable Protest, signed by above thirty of their lordships, can doubt but that some invisible influence must have operated on two thirds of the House when they threw out our just and reasonable Bill; which puts me in mind of an account there is, I think, in father Paul, or some other writer on the council of Trent: he says, that the powers concerned, pitched on Trent as a neutral place, for all the legates to meet at, and where no prince could himself claim any right to come; but, says the writer, (who, I think, seems to be rather a good Catholic than a strong Papist) all the decrees of this assembly ran so much in favour of the Pope, that although he could not come there himself, his holiness sent the Holy Ghost thither from Rome every day in a cloak-bag. I leave it to every gentleman to make his own application of this story, which the House, I see, is pleased to receive more favourably than it deserves.

Even my friend near me smiles, who, had he not now been in a very high station in the Exchequer, would not have expostulated so roundly with the young lords, as he calls them, who moved and seconded this question, who, he says, cannot yet have read the history of their own country. What they said, Sir, plainly evinced the contrary; but the gentleman was so much alarmed at the motion itself, that he could not attend to what was said in support of it; but he goes on and says, the other House will not bear it. As to that, Sir, give me leave to ask him, how they will help themselves? But, says he, what is there that the Lords will not do or say, when such aspersions are cast upon them? I humbly submit it, Sir, that what is true cannot be called an aspersion: we do it for our own justification; and pray, let them take it for their pains.

And then, Sir, as to the gentleman's prophecy, that his majesty, if the two Houses differ, may dissolve the parliament: the king, Sir, will think twice, before he once dissolves a good money-giving parliament; for if the present should not please him, I will venture to prophesy, that the new one will be far from mending the matter. If such advice, or such unpopular measures should ensue, I flatter myself that instead of one, I should be chosen for three or four places, which would happen to many gentlemen of superior merit in the same way of thinking; and many other country gentlemen without doors, would fill the places of some who hear me, that might then be thought too courtly in their present behaviour. I have my reasons too for thinking, that the hon. gentleman's interest with the crown is not very great: I am sorry for it; because if it was, I hope and believe, that more popular measures would be pursued.

But, Sir, since we have lost our Bill, I will be bold to say, that unless we put some stigma upon that proceeding, our committee of secrecy will be a committee of ridicule; and the noble lord who so very worthily and indefatigably presides in it, must put one in mind of the mad Frenchman in Mr. Locke, who fancying

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himself a king, cries out, 'Ou sont mes 'gens d'armes?' The noble lord is my old friend and acquaintance, and will forgive me, I am sure, for blurting out so odd a parallel; but I am really driven to say any thing, and to think that, if this question has a negative put upon it, he will, notwithstanding his great abilities, be little more than a chairman of straw; and that he will sit in great state, subject only to this single inconvenience, that no soul alive will answer one single question he asks him.

But I ask the noble lord's pardon who so worthily represents the most learned body in the world, that I have been so long without endeavouring to invalidate the force of some of his arguments; and, indeed, his lordship's manner of saying every thing is such, that he may say any thing. He, Sir, is pleased to say, that there is an end of the constitution, if any one branch of the legislature is influenced by the other; and it is much stronger in the case of censure.

If the influence were indirect or improper, or if the censure were untrue or unconstitutional, I should agree with his lordship; but in this case I may more reasonably suppose, that the other House has been under some extraordinary influence; and pray, Sir, have we not a right at any time to expostulate, or demand a free conference with their lordships? Ought they not even to lie under the censure of the Commons, for rejecting this our most necessary favourite Bill, when the Committee declares, that they cannot proceed without it.

As to his argument, that it is not decent to say this to the Lords, and asking what good it will do us? I insist, Sir, that truth is to be said at all times, in all places, and to all persons; and as to the good, it will vindicate the honour of the members to their constituents: it will place the national odium where it ought to lie; and not only make their lordships cautious in screening state criminals, but make them shew a readiness perhaps to redress grievances, and afraid for the future of giving the like treatment to any public national Bill carried thither by this House; and, Sir, * * * * —— *Desunt multa.*

As to his lordship's saying, that a protest is an act of the minority, I submit it, Sir, as the act of thirty-two noblemen of the greatest quality, figure, and fortune in this country; and as that House has exercised that power for many centuries, without even assigning reasons to their protestations, so now they have for near a century, subjoined one or more reasons, out of which articles of impeachment have been often framed, which I hope will be the case at present, there having never been, in my poor opinion, a fitter time for it; nor a protest, for the printing of which, as I am warranted by precedents, I shall presently move, that deserved more gloriously to be printed in letters of gold. Upon the whole, Sir, I am for every tittle of the motion, from the bottom of my soul.

Lord *Strange:*

Sir; as it is now very late, and the House I see a little impatient, I shall only ask a noble lord who spoke lately, how he thinks we are to prevent the other House from doing injustice, if we are never even so much as to censure any of their proceedings? If they in any case do a manifest piece of injustice, are we to take no notice of it? If we do take notice of it, can we do so without condemning it? This is now the case. They have done injustice to the nation: they have refused to the whole people of Great Britain what is never denied to the meanest subject who has been greatly injured by persons unknown, or against whom he has not a sufficient proof. A pardon to any accomplice who shall discover, or come in and give evidence against the principal offender, is never refused to any injured person: this the Lords have denied to the nation, though it has been greatly injured, as is apparent from its present distress. Shall we take no notice of this piece of injustice? Ought we not, for the sake of the people whom we in this House represent, to pass such a censure upon it as it deserves? Ought we not to censure it for our own sakes, in order to shew, that we have been neither privy nor consenting to such a manifest piece of injustice?

Several other members, who had voted for the Enquiry, declared, that though for the satisfaction of the nation they wished the Bill had passed into a law, yet they could not agree to this resolution, lest it should create a breach between the two Houses. The motion passed in the negative by 245 against 193.* Then a motion

* "This motion gave rise to a warm debate; and Mr. Sandys declaimed against it, as a step that would bring on an immediate dissolution

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was made by Mr. Cornewall, that the Report from the Committee, appointed to search the Journals of the House of Lords, with relation to the said Bill, be printed: but this also passed in the negative.

*Debate in the Lords on the Bill to exclude certain Officers from being Members of the House of Commons.**] May 28.

of the present form of government. It is really amazing to see with what effrontery some men can shift their maxims, and openly contradict the whole tenor of their former conduct. Mr. Sandys did not pass uncensured: he sustained some severe sarcasms on his apostacy, from sir John Hynde Cotton, who refuted all his objections: nevertheless, the motion passed in the negative. Notwithstanding this great obstruction, purposely thrown in the way of the enquiry, the Secret Committee discovered many flagrant instances of fraud and corruption in which the earl of Orford had been concerned. It appeared, that he had granted fraudulent contracts for paying the troops in the West Indies: that he had employed iniquitous arts to influence elections: that for secret service, during the last ten years, he had touched 1,453,400*l.* of the public money: that above 50,000*l.* of this sum had been paid to authors and printers of newspapers and political tracts written in defence of the ministry: that on the very day which preceded his resignation, he had signed orders on the civil list revenues for above 30,000*l.*: but as the cash remaining in the exchequer did not much exceed 14,000*l.* he had raised the remaining part of the 30,000*l.* by pawning the orders to a banker. The committee proceeded to make further progress in their scrutiny, and had almost prepared a third report, when they were interrupted by the prorogation of parliament." Smollett.

* *From the Secker Manuscript.*

May 28. On the second reading of the Bill to exclude certain Officers from being Members of the House of Commons.

*Ilchester.*† This Bill is the last and wretched method of some gentlemen, to preserve the remains of their sinking popularity, of which it is easier to dispossess another, than to acquire it themselves. They must bid adieu to it the instant they have tasted the sweets of power and profit. The people will not be untaught, that a Court and Liberty are incompatible. An infinite number of persons have been incapacitated for sitting in parliament within a few years. One Bill debarred 99 of 100. Till then, whoever was honest and able was capable of being elected. And the parliament hath not increased in reputation since. All these Exclusions amount almost to telling the electors whom they shall chuse. There were but two clerks in offices in the last parliament, and there is but one in this. Why is the present Bill crammed upon you so soon after the rejection of another to the same purpose? The haste cannot be necessary: for the law is not to take place these seven years. Lives there that timorous person who dreads prerogative and regal power now? They are in the lowest state of their existence. The tendency is to the democratical side of the constitution. Throw your weight into the scale that doth not preponderate.

† Mr. Stephen Fox, made a peer by the title of lord Ilchester and Strangeways, on May 11, 1741.

**The Bill to exclude certain Officers from being Members of the House of Commons was read a second time.**

REPORT OF THE COMMITTEE APPOINTED TO CONSIDER OF PRINTING THE JOURNALS OF THE HOUSE OF COMMONS.] May 31. Sir Watkin Williams Wynn reported from the Committee, appointed to consider of printing the Journals of the House of Commons, and to report their opinion thereupon to the House, That the Committee had considered of the matter to them referred, and had directed him to report what appeared to them, together with the Resolutions of the Committee thereupon, to the House; and he read the Report in his place; and afterwards delivered it in at the clerk's table: where the same, together with the Appendix thereunto, was read; and is as follows:

REPORT OF THE COMMITTEE APPOINTED TO CONSIDER OF PRINTING THE JOURNALS OF THE HOUSE OF COMMONS.

The Committee, the better to enable them to judge of the expediency and utility of printing the Journals, directed your clerk, Mr. Hardinge, to prepare, and lay before them, a State of the Condition of all the Journals now in his custody.

Pursuant thereto, Mr. Hardinge delivered in to your Committee his Report in writing, wherein he gives an account of the present condition of all the said Journals, from the first book called "Seymour," which commences the first year of the reign of king Edward the 6th; also, an Account what Journals appear to be now lost, with some observations regard-

Committed without a division, and afterwards passed without opposition.

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ing that loss, and the future preservation of the Journals; and likewise an account of other matters, which relate to several of the said Journals. Which Report is hereunto annexed.

Your Committee thereupon having directed several of the Journals to be brought before them, did find, upon inspection, that some were almost illegible, and others in some parts destroyed, or defaced by mildew.

They then proceeded to take into consideration the amount of the expence of printing the said Journals, what additions might be necessary to render them more useful and perfect, and what might be the most proper method of defraying the expence of the whole work.

Mr. John Grover, one of the clerks in Mr. Hardinge's office, being examined, said, That he had inspected all the Journal-Books in the custody of your clerk, and had computed what number of words was contained in one full page of each book, and having multiplied each number of words severally by the number of the pages of each book, and added the whole of those numbers together, he found the same to produce 26,537,603 words; and he delivered in to your Committee the whole account of such computation.

Mr. Samuel Richardson,* printer, being called before your committee, delivered in an Estimate of the Expence with regard to the paper and print requisite for printing 1,000 copies of the Journals; which Estimate appears to be grounded on the preceding calculation of words.

And the same contains two computations made upon different suppositions of the Journals being printed upon a type and page of such a size as are therein severally described; but your Committee seemed inclined to prefer the specimen least expensive of the two: viz. That which describes the print to be on a page of the like dimension, and upon such a type (Roman) as is used in the last edition of the Statutes at large: and upon this plan Mr. Richardson computes, that the whole work will amount to the number of 4,422 sheets; which, allowing 200 sheets to a volume, makes 22 volumes and 22 sheets, and the addition of Indexes may extend the same to 23 volumes.

That the expence of printing 1000 copies, of 200 sheets for one volume, estimated at 30*s.* per sheet, amounts to 300*l.* and the paper requisite for that number is 400 ream, made perfect for printing; which (supposing it to be fine English demy of 15*s.* per ream value), will cost 300*l.* So that the expence of paper and print for one volume is 600*l.* Which for 23 volumes amounts to 18,800*l.*

But there is besides, the charge of copy for the press, the charge of revising the press, and drawing up proper Indexes, &c. of which no estimate is made.

Mr. Richardson, being further examined, said, Supposing no more than 600 copies of the Journals were allowed to be printed, in that case the expence would be reduced to 10,120*l.* but that the cost of each single volume would, if 600 copies only were printed, amount to 14*s.* 8*d.* and by printing 1,000 copies the same would be reduced to 12*s.*

Hereupon your Committee came to the following Resolution, viz.

"Resolved, That it is the opinion of "this Committee, that all the books of "the Proceedings or Journals of the "House of Commons, now in the custody "of the clerk of the said House, and "commencing with the book called 'Sey-"mour,' which begins with the reign of "king Edward the 6th, be printed."

With regard to such additions and other necessary works, which may render the Journals more useful and perfect, and to the method of defraying all the expences of the whole work, Mr. Hardinge acquainted your Committee, that he desired leave to offer some matters to their consideration by way of proposal: and being heard in relation thereto, he was directed by the Committee, to reduce into writing the substance of what he had proposed. Accordingly, he afterwards presented to your Committee, a Proposal in Writing; and the same is hereunto annexed.

Upon the whole, the Committee came to the following Resolutions:

"Resolved, That it is the opinion of "this Committee, That 1,000 copies of "the said Journals be printed by the ap-"pointment and under the direction of Ni-"cholas Hardinge, esq. clerk of the House "of Commons, the same not to exceed "30 volumes, with a proper preface and "index to each volume, and a general pre-"face and index to the whole.

"Resolved, That it is the opinion of "this Committee, That a proper recom-

* The celebrated author of Clarissa Harlowe, &c. By the friendship of Mr. Speaker Onslow, he procured the lucrative office of Printer of the Journals of the House of Commons.

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"pence be made to the said Nicholas "Hardinge, for the loss of fees, which he "and his office will sustain by printing the "said Journals."

APPENDIX No. 1.—Mr. Hardinge's Report of the State of the Condition of all the Journals.

To the Committee appointed to consider of printing the Journals of the House of Commons.

Having received your commands to state the Condition of the Journals, I humbly certify, That the most ancient Journal, now extant in my custody, is the book called 'Seymour' (from the clerk's name who wrote it) containing short notes of the proceedings of the Commons from the beginning of the reign of Edw. the 6th to the 2d of January, in the ninth year of the reign of queen Elizabeth: and it appears from the preface to a treatise of Mr. Hakewit, formerly a member of the House of Commons, printed in 1659, intituled, "The manner how statutes are enacted "in parliament, by passing of Bills:" that the House of Commons had then no Journal more ancient; though from the antiquity and duty of the clerk's office, it may be inferred, that Remembrances of the proceedings of the House of Commons, in former reigns, must have been entered in some books, which are now lost.

And it particularly appears, by an act, made in the 6th year of the reign of Hen. the 8th, that such Remembrances were then made; that act forbidding the members of the House to depart, or absent themselves, from the parliament, without licence of the Speaker and Commons, entered of record in the book of the clerk of the parliament appointed for the Commons House, upon pain of losing their wages.

The next Journal is a book called 'Onslow' (from the name of the clerk who succeeded 'Seymour'), beginning the 2nd day of April, 13 Eliz. and ending the 17th March, 23 Eliz. This Journal is more fairly written, and more accurate than Seymour: the Journals of all the succeeding parliaments, in that queen's reign, are now lost; though it appears by the Preface to sir Simonds Dews's Journal of all the parliaments during her reign, and also from Mr. Hakewit's Preface before-mentioned, that Journals of the House of Commons in all the parliaments of queen Elizabeth's reign were then extant.

The printed Journals therefore of all her parliaments, collected by sir Simonds Dews, and the printed Journals of her four last parliaments, collected by Mr. Townshend, are valuable Supplements to the original Journals, and have been quoted as authorities (if my memory does not fail me,) in several Reports from committees appointed to search precedents.

This loss of ancient Journals is imputed by Mr. Hakewit in his Preface beforementioned, to the "want of a proper provision for the safe preserving of them, answerable to that which the Lords have, whose clerk hath a house belonging to him and his successors, where all their records are kept to posterity."

The present repository of the Journals is indeed more convenient than it was formerly (the office room, near the House, having been enlarged some feet, and that and other rooms having been fitted up with good wainscot presses, for the reception of the Journals and papers belonging to the House:) but this office room is still so little, and so dark, that neither the members nor the clerk can conveniently consult the Journals in it. And it has lately been made more dark, by the erection of a chimney against one of the buttresses of the house; which chimney also may add to the danger of fire, to which the Journals are now exposed; and an accident, which happened not long ago during the recess of parliament, has given me reason to fear the possibility of future damage to the Journals, when they are not under the immediate care of the clerk, as the Journals of the House of Lords are. And if I may be allowed, on this occasion, to take notice of what regards myself; I beg leave to observe, that the clerk, when he is most at leisure to consult the Journals, is, by the necessary distance of his house from his office, restrained from making the proper use of them, either for his own information, or the service of the House.

I have already stated to the committee the condition of the two most ancient Journals, Seymour and Onslow. The Journals of the reign of king James the first, (being for the most part, Minutes taken by the clerk, and not afterwards transcribed), are in many places incorrect and almost illegible, and are also much impaired by length of time and various accidents. Yet, as they contain the history of many important transactions, and also the heads of speeches delivered by many famous members in debates concerning the prerogative of the crown and the liberty of



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the subject, &c. they seem worthy of very great regard.

And many of their defects may probably be supplied by the help of ancient copies: and there are also in the clerk's custody duplicates of the Journals of the 1st and 21st year of his reign, which, being collated, may supply the defect of each other.

The Journals of the reign of king Charles 1st, till the year 1640, are as ill written and as ill preserved, but contain likewise the Minutes of many memorable passages: the practice of entering heads of speeches in the Journals was discontinued soon after the beginning of that reign; though the Proceedings and Debates of the House of Commons, in 1628, collected by sir Tho. Crew, were published in 1707 by John Parkhurst, esq. his grandson, in which, the heads of many speeches are inserted.

From the year 1640 to the end of the reign of king Charles the 2d, the Journals of the House are generally more legible and correct; though a few of them are in some parts impaired, and have been damaged by mildew, particularly the Convention Journal of 1660, and that of the 22d and 23d of Charles the 2d.

On the 5th of May 1698, a committee appointed to search precedents, having reported, that many Journals of this House before the year 1685 were much worn, ill-written, and without any indexes; the following order was made. "Ordered, That all the Journals of this House, until the year 1685, be fairly transcribed, and indexes made by the clerk, of the Journals so transcribed, with references to the folios of the original books; and that it be recommended to the lords commissioners of the treasury to pay the charge thereof."

In consequence of this order, all the Journals before 1685 were copied (except the Journals between the 14th of March 1642 and the Restoration), but without indexes; and these copies remain now in my custody; but are very erroneous; as are all the copies of the ancient Journals which I have ever compared with the originals.

The Journals between the 14th of March and the Restoration not having been copied, pursuant to the said order; that omission, together with the tradition concerning them, and the name by which they have been called, and also the manner in which they have been kept, being circumstances which affect their authority; I beg leave to lay before the Committee the result of my enquiry concerning that matter.

After the Restoration, upon the 14th of March, 13 Car. 2d, a committee was appointed "to look into all the Journals of the Long Parliament, since his late majesty departed from London, till the dissolution thereof, and to make a report of what they should think fit to be expunged thereout, as treasonable and scandalous to his majesty and his royal father of blessed memory:" but no report appears to have been made from that committee.

I beg leave further to observe, That the king departed from London the 10th of January 1641, and afterwards passed several acts by commission; not to mention the king's subsequent treaties with the Commons as a House of Parliament. And the said king being restrained by an act, to which he consented, from dissolving or proroguing the parliament, without the concurrence of the two Houses; I am humbly of opinion, that that parliament was never deemed to have been dissolved before the king's death.

And it was pretended at least by some persons after the Restoration, that the Long Parliament was not dissolved, even by the king's death; and therefore, for preventing disputes concerning the assembling of the Restoration Parliament, it was by a declaratory law enacted, That the Long Parliament was fully dissolved and determined; though the act does not mention the time, when the same was fully dissolved and determined.

These Journals (though called, as I am informed, razed or expunged Journals) do not appear, upon the view of them, to be in fact razed or expunged; except in some places, where the clerk has corrected his own errors, or the House has directed an obliteration (as on the 5th and 25th of January, 1659,) nor does any Order of the House appear to me to have been made for razing or expunging them.

I beg leave further to observe, that, if any razure of those Journals had been ordered, the same would probably have actually been made, as was done in the case of the entries relating to the East-India Company 22d February, 1669, and in some other instances.

But these Journals (as I have been informed by Mr. Hamlyn, who has been many years a clerk in my office) were (before the present office was fitted up) kept in presses in the Court of Wards, separate from the other journals (which were kept in the clerk's office); and, when the court of Wards was rebuilt they were

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removed into another place; and, when the court of Requests was rebuilt, they were again removed into the rooms over the long gallery, where they have remained since that time.

But I must also observe, that the titles of all these Journals under the head of "Journals beginning in 1640," are entered in two Inventories, preserved in my office, and made, as I am informed, by Mr. Jodrell, when he was first appointed clerk, which happened, as I am informed, in the year 1684.

And having enquired, in what manner the Journals of the House of Lords, between the king's departure from London and his death, are preserved, I find, that they are all preserved in the parliament office with the other Journals, without any distinction.

I beg leave further to observe, that it appears, from a Report made the 10th of July, 15 Car. 2di, that Extracts from the Journals of the 23d of May and 22d of June, 1649, are reported from the committee appointed to inspect the act for the confirmation of judicial proceedings; which Journals are in that report called "Journals of the pretended House of Commons in the year 1649."

And having enquired, whether the said act for confirming judicial proceedings did invalidate the authority of these Journals, I have perused the said act; and I find, that the judicial proceedings thereby confirmed are such only as were subsequent to the 1st of May, 1642; but, though in several clauses of the said act, all authority derived under any pretended House of Commons after the king's death seems to be condemned, as an usurpation, yet I cannot discover, that any parliamentary proceedings since the 1st of May, 1642, and before the king's death, are thereby annulled.

And I also beg leave further to observe, that the last of the Journals, allowed to be authentic, ends the 14th of March, 1642-3, long after the time of the king's departure from London, and many months after the said 1st of May, 1642.

In the Journals after the year 1685, the proceedings of the House are more fully and carefully entered; and the practice of printing the votes has very much contributed to that accuracy; though there are in these Journals some omissions, as well as mistakes (many of which may be rectified by the Minute Books of this House, or by the printed votes, or by original papers); as, for instance, in the year 1714, in the case of a Report from the committee of privileges and elections touching the election for Weymouth and Melcomb Regis; in which case, all the intermediate proceedings of the House between the entry of the report and the order for amending the return are entirely omitted in the journal.

There are also some chasms, which may be filled up by the help of the Journals of the House of Lords.

And the printed Journal of the parliament in 1678-9 (which is called in the title, a true copy) contains all the proceedings of the House upon the king's not approving sir Edward Seymour to be Speaker; which in the original Journal-book are entirely omitted.

The proceedings of the House in the choice of the Speaker, 1 and 2 Anne, are also entirely omitted; and there are several blanks in the narrative of the choice of the Speaker in 1727: I have endeavoured, though in vain, to procure materials for completing those entries.

The razures which appear in the Journal 1669, in the case of the East-India Company, were directed by order of the House, upon the king's recommendation.

In this account of the Journals of the House, I include the Convention Journal in 1660; that Journal having been constantly preserved among the other Journals of the House; and the public acts of that Convention having been confirmed by the next parliament. And for the same reason I include the Journal of the Convention, at the time of the Revolution, and also the Journal of the Assembly, which directed the calling of that Convention; those Journals having been likewise so preserved, and that Convention of the Lords and Commons having been declared by law to be the two Houses of Parliament.

Not having received the directions of the Committee to prepare any Scheme for printing the Journals, I shall not presume to make any calculation of the expence which must attend that work: I shall only beg leave to acquaint the Committee, that I am entitled by virtue of my office, which is granted to me for my life, to several fees for searches into the Journals and for copies of them; which fees must be very inconsiderable, if the House should think fit to order the Journals to be printed: I therefore hope, that, if any profit shall arise from such publication, I



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may be thought not unworthy of receiving some recompence for my loss, and for the pains which I must necessarily, and shall willingly, take in preparing the work for the press.

N. HARDINGE, Cl' Dom' Com.'

MR. HARDINGE'S PROPOSAL.

To the Committee appointed to consider of printing the Journals of the House of Commons.

A computation having been made by Mr. Richardson (a printer, in whose skill and integrity I can confide), that the Journals of the House of Commons, Indexes included, will make 23 volumes in print, 200 sheets in each volume, to be printed in two columns, upon a page of the same size as that on which the last edition of the Statutes at Large is printed, and in a character of the same size as the Roman letter used in that edition, but upon much better paper, viz. fine English demy, worth at least 15*s.* each ream;

And the expence of paper and of the press (besides the charge of the copy for the press, the charge of revising the press by the proper officer, and the charge of drawing up indexes, &c.) being computed by him to amount, if 1,000 copies be printed, to 13,800*l.* and if 600 only be printed, to 10,120*l.*

I humbly propose, if the House shall intrust me with the publication of this work, to publish the same with all possible expedition, upon the conditions and in the manner following:

1. I humbly hope, from the equity and favour of the House, to receive a present recompence for the loss, which I must immediately sustain by an Order for printing the Journals, and for the great pains, which I must necessarily take in settling the text of the ancient Journals (impaired, as they are, and, in some places, almost illegible) in supplying the defects of all the Journals, by the best authorities; in preparing a preface to each volume; in making proper annotations; in drawing up an index to each volume; with particular references to the rules and orders of the House; in the addition of some useful and instructive Reports, and other Papers, presented to the House, though not entered in the Journals; and, when the whole work shall be finished, in compiling a general Preface and Index to the whole.

2. If it shall be determined, that the work be printed entirely at a public expence, and that no more than 600 copies thereof be so printed; I hope to be enabled, by the advancement of a competent proportion of the whole expence, to contract for paper, and to defray such charges as will immediately be necessary; and to receive, upon the delivery of each volume to every member, a proportionable part of the remaining expence of paper and print: and, in order to provide a number of copies, to be sold to future members at moderate prices, I propose, that 1,000 copies be printed; the charge of printing 600 only to be paid in the manner before-mentioned, and the remaining 400 to be sold to every future member at 20*s.* or one guinea each volume, and to every other person at 30*s.* or one guinea and half; which last price is considerably less, than that, for which voluminous works of the like cost (as to paper and print) are usually sold by booksellers, even in cases, where a much larger number of copies than 1,000 have been printed.

This scheme of printing 1,000, instead of 600, will lessen the charge of the 600 copies, supposed to be printed at the public expence; inasmuch as each volume, if 600 only be printed, will, according to Mr. Richardson's computation, cost 14*s.* 8*d.*, and, if 1,000 be printed, will cost 12*s.* only.

3. If it shall be thought proper, that part only of the expence be paid in the manner before-mentioned, and that 1,000 copies be printed; the editor will thereby be enabled to sell each volume to every present member at a price proportionably less, and to every future member at the price of 20*s.* or at one guinea, and to every other person at 30*s.* or one guinea and half.

4. But if no part of the expence of paper and print be paid in the manner before-mentioned, it is proposed, that subscriptions be taken, in order to enable me to judge what number I may venture to publish; and also to enable me to defray the great charge, which will be immediately necessary; each volume to be delivered to every subscribing member at 1*l.* 5*s.* and to every other subscriber at 35*s.*; one-fourth of the price to be paid at the time of subscribing, and a proportionable part of the remaining 3-4ths to be paid upon the delivery of each volume; which last price of 35*s.* is less than what other voluminous works, more generally demanded, and consequently more vendible, yet printed upon paper of no greater,

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if not less, value, have been usually sold for by booksellers.

I beg leave to observe, that though Mr. Richardson's calculation supposes, that the Journals will, in print, make 23 volumes, yet, as Prefaces, Annotations, Supplements, and Appendixes, will be also necessary, the number of volumes will probably be greater; which will proportionably increase the charge; as, on the other hand, if they make less than 23 volumes, the charge will be proportionably abated.

And it must be observed, that the profit arising from the sale of such books, as shall not be immediately disposed of, will be considerably diminished by several incident charges; not to mention the hazard of fire, and other accidents. And it is also to be observed, that it may be a long time, before all the copies, which shall be reserved for future purchasers, will be sold.

It is not doubted, but that the House will effectually restrain the printing or selling of any edition of the Journals, or any abridgment thereof, or any collections therefrom, which shall not be warranted by their own order.

N. Hardinge, Cl. Dom. Com.

The Journals of the House of Commons ordered to be Printed.*] The first Resolution of the Committee being read a second time, was agreed to by the House.

The second Resolution being read a second time, an Amendment was proposed to be made, by inserting after the word "printed," and before the word "by," these words, "for the use of the "members of this House;" and the same was agreed to.

"Resolved, That the House do agree with the Committee in the Resolution, so amended: That 1,000 copies of the said Journals be printed for the use of the members of this House, by the appointment, and under the direction, of Nicholas Hardinge, esq. clerk of the House of Commons; (the same not to exceed 30 volumes), with a proper preface and index to each volume, and a general preface and index to the whole."

The third Resolution being read a second time, was agreed to.

"Resolved, That an humble Address be presented to his majesty, that he will be graciously pleased to order the sum of 5,000*l.* to be advanced to Nicholas Hardinge, esq. clerk of this House, towards enabling him to print the Journals of this House; and likewise the further sum of 1,000*l.* as a recompence to the said Nicholas Hardinge, for the loss of fees, which he, and his office, may sustain by printing the said Journals; and to assure his majesty, that this House will make good the same."

Ordered, That the said Journals be printed by such person as shall be licensed by Mr. Speaker: and that no other person do presume to print the same.

*Debate in the Commons on the Vote of Credit.*] Mr. Fane reported from the Committee of Supply, the following Resolution, viz. "That towards raising the Supply, 800,000*l.* be granted to his majesty, to be raised by annuities at 3*l.* per cent. per ann. transferable at the Bank of England, redeemable by parliament, or by loans; to be charged upon, and secured by the Sinking Fund."

The said Resolution being read a second time,

Mr. *Phillips* stood up and said:

Sir; the gentlemen on the other side of the House cry out, 'Agree, agree;' but as I do not find them so very ready to agree to any proposal that comes from this side of the House, to redress grievances or to promote enquiries, and to render them effectual, I hope they will excuse me, if I do not immediately agree to this proposition. Sir, when this Resolution was proposed and agreed to in the Committee, I was at so great a distance from the chair, that I could not distinctly hear it; therefore, I hope, I may be allowed to say a word or two to it now, not that I have the least expectation, that any thing I can say will have such an effect on the House, as to cause any alteration in this resolution; but I cannot let it pass without some remarks.

According to the computation that I have made, the supplies voted this session

* "The members of the House of Commons ordered their Journals to be printed. This was a useful and a necessary work, as the charge of transcribing them could be defrayed but by very few private subjects. The care of the publication was committed to Mr. Hardinge, the clerk of the House. He was a man of some knowledge in history; and very little besides correctness being required in such a publication, he discharged his duty as an editor with tolerable success." Tindal.

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amount to about 5,723,000*l.* to which must be added the deficiency of last year's malt and land tax, which comes to about 373,000*l.* so that the whole sum to be raised is about 6,097,000*l.* The ways and means already voted amount to about 5,350,000*l.* which being deducted from the 6,097,000*l.* there will remain to be raised about 747,000*l.* If I do not mistake, the resolution of the Committee is to raise 800,000*l.* which is about 53,000*l.* more than is voted, and more than is wanted. Sir, I am for raising all the money that has been voted, not because I believe it is all necessary, but for this single reason, because it has been voted, and the parliament faith, is, as it were, at stake for it; but I can by no means come into a resolution of raising more money on the people than has been voted, and I am surprised indeed to find it attempted.—If more money is wanted, why was the Committee of Supply closed? Why was it not asked? For I beg leave to take notice, that so great a confidence did the House place in the gentlemen of this administration, that every thing that was asked was granted; but this is a new way of asking, by turning a committee of ways and means into a committee of supply.

If any arguments are to be drawn from private œconomy, I believe, we have all the reason in the world to think, that our present ministers will be as frugal as any that ever went before them; but, I hope, they will excuse me if I say, that to place an implicit confidence in any ministers, which we do whenever we pass a Vote of Credit, is unconstitutional and unbecoming a parliament of Great Britain. I suppose it will not be denied, that the representatives of the people are accountable to them for all the money that is raised upon them; but if I should be asked, why this overplus is raised, I should be puzzled for an answer, and, I believe, the gentlemen on the other side of the House could furnish me with no other than this, 'That it was to make up a round sum.'

I am sensible, if the House agrees to this resolution, it will not be the only vote of credit of this session: the 500,000*l.* for the service of the queen of Hungary was an absolute vote of credit: the many sums granted for contingencies in the several estimates laid before the House, are all so many votes of credit, and are therefore the strongest reason in the world against your coming into this. It may be said, why all this stir about so small a sum, as 50 or 60,000*l.* I allow it is a small sum in comparison of the six millions that we have granted; but be the sum large or small, the raising it in this manner, by vote of credit, at the end of the first session of this parliament, is so bad a precedent to future sessions, that I dread the consequence of it.

I was in hopes, that instead of increasing their demands, the ministry would rather have abated of them, and have left something in the hands of the parliament by way of pledge, that all the sums that have been granted, shall be properly applied. I will say but one thing more: if we cannot redress the peoples' grievances, let us not be lavish of their money: if we cannot compass an enquiry into past mismanagements, let us not lay a foundation for future ones: if we cannot obtain the glory of doing all the good we aimed at, let us at least avoid the shame that must always attend all unjustifiable and unprecedented measures. Sir, I call God to witness, I have no end in saying these things, but the public service and the honour of this House; and therefore shall beg leave to conclude with making you a motion, "That this Resolution be re-committed."

Then the question being put upon Mr. Phillips's motion, it passed in the negative, Ayes 86, Noes 118.

*Copy of a Bill sent up from the Commons, for securing Trade and Navigation in Times of War.*] On the 20th of May, the Commons sent up to the Lords a Bill, which took its rise from the Complaints of the Merchants, intitled, "An Act for the better protecting and securing of the Trade and Navigation of this Kingdom in Times of War," of which the following is a Copy:

An Act for the better protecting and securing of the Trade and Navigation of this kingdom in times of war.

"Whereas it is necessary, in times of war, that a sufficient number of ships should be appointed, and kept constantly employed, as cruisers, in proper stations, for the protection and security of the trade and navigation of this kingdom; be it enacted by the King's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in the present parliament assembled, and by the authority of the same, that when and as often as this kingdom shall be engaged in

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war with any kingdom or state in Europe, (over and above the ships of war for the line of battle, and for convoys to remote parts) such a number of ships of war as shall be sufficient for the protection and security of the merchant-ships, in their going out and returning home, shall be constantly employed as cruisers, or for convoys, in and near the British channel and soundings, and in such other stations on this side Cape Finisterre, as shall by the lord high admiral, or commissioners for executing the office of lord high admiral of Great Britain for the time being, be judged most proper for that purpose; the aforesaid ships of war to be careened at least [three] times in the year, or oftener, if there be occasion: and that the seamen on board any such cruisers shall not be turned over into any other ship or ships, but such only as shall be appointed for cruising, or home convoys, according to the tenor of this act.

2. "Provided always, and be it enacted by the authority aforesaid, that nothing herein contained shall restrain, or be construed to restrain, the lord high admiral or commissioners for executing the office of lord high admiral for the time being, from directing any of the ships which shall be appointed to be cruisers in pursuance of this act, to be employed in the line of battle (in case of great necessity) on this side Cape Finisterre, without whose immediate direction, the said ships shall be always cruising, or employed as home convoys, except when they are careening or refitting.

3. "And be it enacted by the authority aforesaid, that the lord high admiral, or commissioners for executing the office of lord high admiral, for the time being, shall on or before the [first day of July next] authorize and appoint a commissioner of the navy, or some one or more person or persons, who shall constantly reside at such place or places as his majesty shall direct; by virtue of which appointment, such person or persons, in the place or places for which he or they shall be appointed, shall superintend or oversee every thing relating to the aforesaid cruisers; and shall take care that every thing necessary be immediately provided for all and every the aforesaid cruising ships of war, that shall come into any port by stress of weather, or to careen or refit; and as soon as they or any of them are refitted, shall order all or any of the said ships of war to put to sea again as soon as possible.

4. "And be it further enacted by the authority aforesaid, that from and after the said [first day of July] if any captain, or other officer on board any of his majesty's ships of war, shall wilfully spring, carry away, or lose any mast or masts of any such ship,* or shall make any false pretence or excuse for leaving the station on which such ship or ships shall be appointed to cruise, or shall return into port before the expiration of the term appointed for his cruise, without just and sufficient reason for so doing, every captain or officer offending in any of the aforesaid cases [shall be punished by fine, imprisonment, or otherwise, as the offence by a court-martial shall be adjudged to deserve].

5. "And to the intent that it may be the more easily known what service the aforesaid cruisers shall every year perform, be it enacted by the authority aforesaid, that the commissioner of the navy in each of the out-ports, or such person or persons as shall, for that purpose, be appointed by the lord high admiral, or commissioners for executing the office of lord high admiral for the time being, shall transmit to him or them, every [three months] a distinct and separate account digested into proper columns, of the time when any of the ships appointed to be cruisers, sailed out of port, when such ship came in, together with the number of days cast up that such ship was out upon duty, and the reasons of her putting into port, and the time and reasons of her stay there; with an account how often, and the times when, each of the said ships have been careened every year; and that the lord high admiral, or commissioners for executing the office of lord high admiral for the time being, shall cause copies of the said accounts to be laid before both Houses of Parliament within [eight days] after their meeting.

6. "And be it further enacted by the authority aforesaid, that the lord high admiral, or commissioners for executing the office of lord high admiral for the time being, shall, on or before the said [first day of July] nominate and appoint such a number of the ships of war, as shall be sufficient for the purposes afore-mentioned, to be cruisers or convoys on this side Cape Finisterre for the current year; and shall afterwards yearly, and every year, during the present or any future war, between the [first day of November] and the [first day of December] nominate and appoint a suf-

* Left out, *or ships*.

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ficient number of ships of war to be cruisers or convoys on this side Cape Finisterre for the year ensuing; and as often as any of them shall happen to be taken or lost, shall, as soon as may be, appoint others in the room of every ship so taken or lost.

7. "And whereas it is of the utmost importance to the trade of this nation, that the captains or commanders of his majesty's ships of war appointed for convoys to and from remote parts, should take due care of the merchant ships committed to their charge; be it therefore enacted by the authority aforesaid, that every captain or commander of any of his majesty's ships of war, who, on or after the Bill shall commence, shall be appointed convoy or guard to any merchant ships or vessels, or who shall have any merchant ships or vessels under his charge, do and shall diligently attend upon such charge without delay, and in and during the course of the voyage take the utmost care of such merchant ships and vessels, and do and shall every evening see that the whole number of the said merchant ships and vessels under his convoy be in company with him; and in case he shall be obliged in the night-time to tack, or alter his course, or lie to, that he do and shall make the proper signals, to give the merchant ships and vessels, under his convoy, notice thereof; and if in the morning he shall find any of the said merchant ships and vessels to be missing, he shall use his utmost endeavours to rejoin them, and shall not willingly or negligently sail away from, leave, or forsake such merchant ships or vessels, until he has seen them safe, so far as he shall be directed to convoy them; and in case any of the said merchant ships or vessels shall be in distress, he shall give them all proper and necessary relief and assistance, as far as he is able; and in case any such captain or commanding officer shall refuse or neglect to do all or any of the matters aforesaid, every such captain or commanding officer shall [be condemned to make reparation of the damage to the merchants, owners, and others, as the court of admiralty shall adjudge; and also be punished according to the quality of his offence, as shall be adjudged fit by a court martial.]

8. "And whereas it is of the utmost importance to our settlements in America, and the trade thereof,* that the commanders of the ships stationed there, should use their best endeavours for the protection and security of such trade, [and the colonies there;] be it further enacted by the authority aforesaid, that † none of his majesty's ships, which shall be stationed at any of the said settlements, shall quit or leave their stations under pretence of going to careen or refit, or under any other pretence whatsoever, without an especial order from the lord high admiral, or commissioners for executing the office of lord high admiral, (or the commander in chief of his majesty's ships of war in those seas, or in America ‡,) for the time being§.

9. And to the end that it may appear what service the ships so stationed shall perform, be it enacted by the authority aforesaid, that the captain or commanding officer on board every such ship or vessel, shall keep a distinct and separate account, digested into proper columns, of the times when the said ship or vessel sailed out of port, when such ship or vessel came in, the service she was upon, together with the number of days cast up, that such ship or vessel was out upon such duty, and shall cause the same to be fairly entered in one or more book or books, to be kept for that purpose; such entries to be digested in proper columns, and to be [every six months] transmitted‖ to the captain or commanding officer of every such station-ship, to the lord high admiral, or commissioners for executing the office of lord high admiral for the time being, and shall also send duplicates of the said accounts at the first opportunity.

10.* "And be it further enacted by the authority aforesaid, That the commanders of his majesty's ships of war, on their arrival at any of the said settlements, shall deliver a copy of the orders they shall have received from the lord high admiral, or commissioners for executing the office of lord high admiral of Great Britain for the time being, so far as they relate to the protection of the said colonies, and of the trade of the said colonies, to the governor and council of the respective

* Left out, "in time of war."

† Left out, "during the continuance of any such war."

‡ These words were added.

§ Left out, "or unless the commander or commanders of such ship or ships shall be ordered off their station, to be employed in the line of battle in the American seas, which shall not be done, but in cases of the greatest necessity."

‖ Left out, "together with the duplicates thereof."

* This clause was added in the committee.

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colony or plantation where they shall be stationed; which orders shall be entered into the council-books of such colony or plantation respectively; and the said governor and council are hereby authorized and empowered to give such directions in writing to the captains and commanders of such stationed ships, as they shall think will be most for the protection and security of their trade: and the said captains and commanders are hereby required to conform to, and observe the same, provided the same do not contradict the instructions they shall have received from the said lord high admiral, or commissioners for executing the office of lord high admiral for the time being."

*Debate in the Lords on the Bill for securing Trade and Navigation in times of War.**] June 1. The above Bill having been read a second time,

The Earl of *Winchelsea* rose and said:†

My lords; I know not by what accident the numerous defects and general impropriety of this Bill have escaped the attention of the other House; nor is there any necessity for examining the motives upon which it passed, or of enquiring whether its reception was facilitated by the popularity of the title, the influence and authority of those by whom it was proposed, or the imaginary defects of our present regulations, which have been on some occasions represented to be such as it is scarcely possible to change but for the better.

The knowledge and experience of those who concurred in sending this Bill for your lordships' approbation, cannot but produce some degree of prepossession in its favour; for how can it be imagined, my lords, that men of great abilities and continual opportunities of observation, should not be well versed in questions relating chiefly to their private interest, and discover the nearest way to their own success?

And yet, my lords, it will be found that their sagacity has perhaps never so apparently forsaken them as on this occasion,

* From the Gentleman's Magazine: compiled by Dr. Johnson.

† *From the Secker Manuscript.*

June 1. On the second reading of the Bill for protecting Trade and Navigation.

*Winchelsea*, first Commissioner of the Admiralty. No written law can be of service to direct persons engaged in military duty. Cruising ships are ordered to be careened 3 times a year at least. If the king's servants are not in earnest to do their duty, doing this and no more, the Bill will be a protection to them. The Admiralty to appoint superintendants. These will be needless additional officers. A Captain unfit to serve will be made a superintendant, and active serviceable people must be under him. P. 3. "Whoever will wilfully spring," upon this, one man will say, the captain wilfully sprung his mast in a pursuit, another will say, he did not crowd sail enough, and so the captain will be subject to every mutinous person aboard his ship. The next Clause is observed already. There was a Bill of this nature in the queen's time: but the only good part of it was that, which gave the prizes to the captors, which hath been lately re-enacted. P. 4. Will you give legal notice to your enemies, where you put your force. Then let their privateers change their place, and they are safe. You cannot appoint new cruizers as often as the merchants have a mind. You have now more ships in the Mediterranean and West Indies, than you had in all queen Anne's time, after the battle of Malaga. The privateers are now gone from the places where this Bill would appoint cruizers. If you appoint at first a number which proves afterwards too many, by this Bill you cannot call them off that year. If you send out all at once, you will for a long time after have none. Convoys often are not minded by the merchant ships under their care. They will take their chance, and if they are taken, then they will come home and clamour. The Dutch convoys have all the merchant ships under their command, as much as we have our men of war. P. 5. A man should not be punished two ways for the same offence.

Commander in Chief in West Indies. An order may be sent from hence to Barbadoes sooner than from Jamaica.

The next clause is to enact, that they shall do every six months what already they do oftener, but will not do oftener for the future if this Bill passes.

The last clause gives the governors in the plantations, the command of the ships there. In king William and queen Anne's time it was so; but was found inconvenient. In 1696 and 1703, there was a governor who protected his own ships and his friends, and let others suffer, and so he made a great fortune. Another broke a captain without reason, and made a friend of his own captain of the ship. In 1717 captains of ships were directed to consult and advise with the governors, and this was right. The Admiralty may break a captain if he do wrong, but they cannot turn out a governor.

If the Admiralty desire to do right, this Bill will be needless and hurtful: if they do not, it will be useless and ineffectual.

*Bedford.* Some things in the end of this Bill



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that no proposition was ever laid before this House, in which more contracted motives were discovered, and that the Bill is such as might rather have been expected from petty traders, unacquainted with the situation of kingdoms, the interests of princes, the arts of policy, the laws of their own country, and the conduct of former wars, than by merchants of extensive traffic, general correspondence, and great attainments.

Before I proceed, my lords, to confirm the character of the Bill by a distinct consideration of the particular paragraphs, and an enumeration of the several improprieties and defects which may be found in it, I think it not superfluous or unseasonable to remark one general error common to this with all other laws of the same kind, the error of prescribing rules to military operations, of attempting to fix what is in its own nature variable, as it must depend upon external causes to which the British legislature has yet found no means of extending its authority.

To direct, upon remote conjectures and uncertain prospects, the conduct of a commander, is, in my opinion, my lords, not more rational than to trace upon a chart the course of a ship, and pronounce it criminal to deviate from it. The one supposes a fore-knowledge of the motions of the wind, and the other of the councils of our enemies; nor can any thing be expected from such regulations, but overthrow and disgrace. I believe, my lords, that in running over the histories of the world, and examining the originals of the mightiest empires, and the sudden revolutions which have been produced by the overpowering torrents of war, which at different periods of time have swept the powers of the earth before them, it will be found that all rapid conquests, and sudden extensions of empire, have been effected by sovereign princes at the head of armies which acted only by immediate command, that few memorable actions have been performed by delegated commanders, and that of those few whose names have descended to posterity, those have generally been most successful who were invested with the largest powers, who acted without controul, and were at liberty to snatch every opportunity, and improve every favourable conjuncture, without any necessity of communicating their schemes, of waiting for the result of tedious deliberations, or of soliciting a relaxation of former orders.

But, my lords, though perhaps all posi-

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are bad. But the Bill of 1707 certainly did good. And this Bill doth not bind the Admiralty so much as that: for it named the number and strength of the ships that should cruize. Whereas this orders only a sufficient number: By obliging them to careen 3 times, you do not indemnify them, if they ought to careen oftener and omit it. The captains will be willing to careen often enough. For superintendants, you may take the same persons who are now employed to that purpose. The Admiralty may fix such a number of cruizers on each station, as will always be necessary, and keep the rest either to go thither or elsewhere. The last clause ought to be left out.

*Delawar.* The benefit of queen Anne's Bill was from clauses that have been enacted again two years ago. All the good clauses in this Bill are contained in the orders given by the Admiralty, and there is no complaint that the present Admiralty have neglected their duty. By this Bill, you must station cruizers near Cape Finisterre if you are in war with Sweden. Above 50 new ships for cruizing have been built since this war began. In 1672, there was an Order of Council that no merchant ship should be cleared, without entering into security to carry arms and keep with the convoy. Insurance loses many of your ships: for they will try to get away as soon as they can.

*Chesterfield.* This Bill was formed by the merchants, whose interests is that of the kingdom. Some of the clauses in it indeed are bad. It is true, that if the Admiralty have not the interest of the public at heart, they will not do their duty notwithstanding this Bill; but they will do more than if there were no such Bill. There is as little occasion for such a Bill in the case of the noble lord now at the head of the Admiralty as in any case; but it is good to restrain human nature: and we have seen great neglects in that office. Queen Anne's Bill was designed to tie down future Admiralties from doing what a late Admiralty had done. The same is the case again. I believe the accounts ordered by this Bill to be sent in, will not be looked into: but, however they may. The superintendant need not be a new office: and pretty much the same thing is done now. I have known governors sent abroad, who seem to have been transported by way of lenity.

*Bedford.* The power in the last clause is put not in the governor only; but in the governor and council.

*Cholmondeley.* Leave these things to the Admiralty. There never was any where so fine an œconomy as in every part of our navy, except the manning it.

Question to commit the Bill.

N. C. 59. All the bishops on that side.
C. 25.

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tive prescriptions of the conduct of military undertakings have a tendency rather to obstruct than promote success, yet as they may be drawn up with different degrees of wisdom and sagacity, they may have a greater or less appearance of usefulness and reason. Such as have been well concerted may afford useful hints, though they ought not to be enacted with indispensable obligations. And to consider even those in which less proofs of skill and foresight can be discovered, may have at least this advantage, that the proposals may not be speedily repeated, nor our counsels embarrassed with absurd expedients. I shall therefore lay before your lordships my opinion of every paragraph, and show what are the objections which may be raised both to the whole Bill in general, and to its particular clauses.

To the Bill in general, it must be objected, that it is filled with vague expressions, and ideas so indeterminate, that no man can tell when he has obeyed it. Here are many rules ordered to be observed, when "there shall be no just and sufficient reason" for neglecting them, and some operations to be performed as often "as there shall be occasion," and ships are to cruise in a certain latitude, unless "there is a necessity of employing them elsewhere."

Did not the title of this Bill, my lords, give it some claim to a serious consideration; and did not the integrity and capacity of those by whom it was drawn up, exempt them from contempt and ridicule, I should be inclined to treat a law like this with some degree of levity; for who, my lords, can be serious when his consent is desired to a Bill by which it is enacted, that men shall act on certain occasions, as they shall think most expedient.

Nor is this, my lords, the only instance of precipitancy and want of consideration, for many of the injunctions are without any penal sanction; so that though we should pass this Bill with the greatest unanimity, we should only declare our opinion, or offer our advice, but should make no law, or what, with regard to the purposes of government, is the same, a law which may be broken without danger.

But general objections, my lords, will naturally produce general evasions; and a debate may be prolonged without producing any clear view of the subject, or any satisfactory decision of a single question: I shall therefore endeavour to range my objections in order, and by examining singly every paragraph of the Bill, show the weakness of some expedients, the superfluity of others, and the general unfitness of the whole to produce the protection and security intended by it.

In the first clause alone may be found instances of all the improprieties which I have mentioned to your lordships. It is proposed that in a time of war between this country and any other state, such a number of ships shall be employed as cruisers or convoys in the channel, as the Admiralty shall judge most proper for that purpose. What is this, my lords, but to continue to the Admiralty the power which has been always executed? What is it but to enact that the ships shall be stationed in time of war as the commissioners of the Admiralty shall determine and direct?

Of these ships, it is further enacted, that they shall be careened three times a year, or oftener if there shall be occasion; but it is not declared who shall judge of the necessity of careening, or who shall be punished for the neglect of it when it is requisite, or for the permission or command of it when it is superfluous.

There is yet another regulation, my lords, in this clause, which ought not to be passed without remark. It is provided, that the sailors employed in the cruisers and convoys in the channel, shall not be turned over but to other cruisers or convoys; by which I suppose it was intended, that our out-guards should be prevented from being weakened, and that our merchants should never be destitute of protection; an end truly laudable, and which deserves to be promoted, by some establishment better concerted. The expedient now proposed seems to have been contrived upon the supposition that the Admiralty may not always be very solicitous for the safety of the merchants, and that therefore it is necessary to secure them by a law from the danger of being deprived of protection; for upon the present establishment, the removal of men from one ship to another must be made by the permission of the Admiralty; and when the right of such permission shall by this law be taken away, what new security will the merchants obtain? The Admiralty will still have the power, though not of turning over the men, yet of recalling the ships, and commerce suffer equally in either case.

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By the second clause, my lords, there is still a power reserved to the Admiralty, of dismissing these guardians of commerce from their stations, and employing them "in case of great necessity" in the line of battle, on this side Cape Finisterre. Not to cavil, my lords, at the term of "great necessity," of which it is apparent that the commissioners of the Admiralty are to judge, I would desire to be informed what measures are to be taken, if a royal navy should unluckily rove beyond this Cape, which is marked out as the utmost bound of the power of the Admiralty, and should there be reduced to the necessity of engaging desperately with a superior force, or retiring ignominiously before it. Are not our ships to pass a single league beyond their limits, in the honour or preservation of their country? Are they to lie inactive within the sound of the battle, and wait for their enemies on this side the Cape?

The third clause, my lords, is, if not absurd like the former, yet so imperfectly drawn up, that it can produce no advantage; for of what use will it be to station an officer "where his majesty shall think fit?" At all the royal docks there are officers already stationed, and in any other place what can an officer deputed by his majesty, do more than hire workmen, who will as cheerfully and as diligently serve any other person? And why may not the captain of the vessel procure necessaries for money, without the assistance of a commissioner.

In the fourth clause, my lords, nothing is proposed but what is every day practised, nor any authority conferred upon the court of Admiralty, than that which it always possessed, of punishing those who disobey their orders. The provision against the crime of wilfully springing a mast, is at least useless; for when did any man admit that he sprung his mast by design? Or why should it be imagined that such an act of wickedness, such flagrant breach of trust, and apparent desertion of duty, would in the present state of the navy escape the severest punishment? Would not all the officers and mariners on board the ship see that such a thing was wilfully done? Would not they cry out—"You are springing the mast," and prevent it; or discover the crime, and demand punishment?

The fifth clause, my lords, is without any penal sanction, and therefore cannot be compulsive: nor is any thing of importance proposed in it, which is not already in the power of parliament. Either House may demand an account of the stations and employments of the ships of war; nor does parliament now omit to examine the conduct of our naval affairs, but because our attention is diverted by more important employments, which will not by this Bill be contracted or facilitated.

The use of the provision in the sixth clause, my lords, I am not able to conceive; for to what purpose should the ships appointed for any particular service be nominated at any stated time? What consequence can such declarations of our designs produce, but that of informing our enemies what force they ought to provide against us? In war, my lords, that commander has generally been esteemed most prudent, who keeps his designs most secret, and assaults the enemy in an unguarded quarter, with superior and unexpected strength.

In the seventh clause, many regulations are prescribed to the commanders of those ships which are appointed to convoy the trading vessels. These regulations, my lords, are not all equally unreasonable, but some of them are such as it may on many occasions be impossible for the commanders of his majesty's ships to observe in such a manner as that the masters of merchant ships may not imagine themselves neglected or forsaken. The captain of the convoy may be therefore harassed by them with prosecutions, in which it may be difficult to make his innocence appear.

The convoy may be sometimes accused of deserting the traders, when the traders in reality have forsaken the convoy, in confidence that they should either arrive safe at the port without protection, or be able, if they should happen to fall into the enemy's hands, to charge their misfortune upon the negligence of their protector.

The eighth clause, my lords, is so far from being such as might be expected from merchants, that it seems rather to have been drawn up by men who never saw the sea, nor heard of the violence of a storm. For who that had the slightest idea of the uncertainty and hazard of a sailor's condition, who that had ever been told of a shipwreck, or but looked on the pictures of naval distress, would propose that no ship should retire to a harbour, or quit the station to which it was assigned, "on any pretence whatsoever" without permission, which sometimes could not be obtained in many months, and which never could be

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received soon enough to allow of a remedy for sudden disasters, or pressing calamities? It might with equal reason be enacted, that no man should extinguish a fire without an act of parliament, or repel a thief from his window, without a commission of array.

It is happy, my lords, that this clause is not enforced by a penalty, and therefore can never have the obligatory sanction of a law; but since it may reasonably be supposed, that the authors of it intended that the observation should be by some means or other enjoined, let us examine how much security it would add to our navigation, and how much strength to our naval power, if the breach of it had been made capital, which is in itself by no means unreasonable; for what punishment less than death can secure the observation of a law, which, without the hazard of life, cannot be obeyed?

Let us therefore, my lords, suppose a crew of gallant sailors surprised in their cruise by such a hurricane as is frequent in the American seas, which the highest perfection of skill, and the utmost exertion of industry, has scarcely enabled them to escape; let us consider them now with their masts broken, their ship shattered, and their artillery thrown into the sea, unable any longer either to oppose an enemy, or to resist the waves, and yet forbidden to approach the land, and cut off from all possibility of relief, till they have represented their distress to some distant power, and received a gracious permission to save their lives.

Misery like this, my lords, admits no exaggeration, nor need I dwell long on the absurdity of establishing regulations which cannot be observed, and which, if they were enforced by any sanctions proportioned, as all penal sanctions ought to be, to the temptations of violating them, must drive all our sailors into foreign service, or urge them, upon the first distress, to defiance of law, and fill America with pirates, and with rebels.

By the ninth clause, my lords, nothing is proposed but a relaxation of the present discipline. It requires, that the commanders of ships of war shall send only once in six months those accounts of their conduct and their service, which they are at present obliged to transmit by every ship that returns from America; so that by passing this Bill, we shall only be disabled from receiving regular and seasonable informations of the transactions of our distant squadrons and colonies, shall be disturbed with groundless suspicions, and tortured with unnecessary suspense.

I have arrived at length at the last clause, a clause, my lords, worthy to be the concluding paragraph of a Bill like this; a clause in which the power of the Admiralty is communicated to the governors of our colonies; men, my lords, not hitherto much celebrated for their superior wisdom, moderation, or integrity; of whom at least it is no reproach to assert, that they are known to be for the most part wholly unacquainted with maritime affairs, and very little famed for military knowledge; and of whom it is above all to be considered, that they generally commence merchants at their arrival in America, and may more probably direct ships sent to guard the colonies, to stations in which they may preserve their own vessels, than to those where they may contribute most to the general security of trade.

Thus, my lords, I have examined without prejudice every paragraph of this Bill, and believe that from the objections which I have made, it appears now plainly to your lordships, that all the regulations which are of any use, are such as are already established by long custom, or by former statutes; and such therefore as it is unnecessary to mention in a new law: and that whatever is here to be found new, is absurd, unintelligible, or pernicious.

This Bill, my lords, is said to be founded on the act made for the same purpose, in the war of queen Anne; but I cannot forbear to observe, that the original law, though not one of those to which much of the success of that war is to be ascribed, was drawn up with more discernment than the Bill before us. It was at least intelligible; the number of cruisers was limited, and it was therefore possible to know when it was obeyed; but of this Bill I can confidently assert, that as no man can understand, so no man can observe it.

I have spoken more largely, my lords, on this occasion, because this Bill relates particularly to my present employment, in which as I desire to do my duty, I desire to know it; and surely I cannot be condemned by your lordships for opposing a Bill, of which the only tendency is to make my province difficult, to render one part of my office inconsistent with another, and engage me in the task of superintending the execution of impracticable measures.

What influence my arguments will have upon your lordships, I cannot foresee.

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As every man flatters himself that his own opinions are right, I hope to find this House concurring in my sentiments; but whatever may be the determination of your lordships, I am so fully convinced of the pernicious tendency of this Bill, and the embarrassments which must be produced by an attempt to execute it, that if it be not rejected by this House, I shall willingly resign my office to others of more courage, or of greater abilities; for I can have no hopes of performing my duty under these restrictions, either to my own honour, or to the advantage of my country.

The Duke of *Bedford:*

My lords; though the noble lord has produced very specious arguments against every paragraph of the Bill before us, and though many of his observations are just, and some of his objections not easily to be answered, yet I cannot admit that it will produce those fatal consequences which he seems to foresee, nor am yet convinced that it will be either pernicious or useless.

It has always, my lords, been the practice of this House, to attend to every proposal for the public advantage, to consider it without any regard to the character of those by whom it is offered, and to approve or reject it upon no other motives than those of justice and reason.

The same equity and prudence has always influenced your lordships to distinguish between the several parts of the same Bill; to reject those expedients, of which, however plausible, either experience or reason may discover the impropriety, and to retain those from which any real benefit can reasonably be expected. We should never throw away gold because it is mingled with dross, or refuse to promote the happiness of the nation, because the expedients which were offered for that end happened to be conjoined with some others of a disputable nature.

By the prosecution of this method, a method, my lords, too rational and just to be neglected or forgotten, I doubt not but this Bill, which, as I shall readily admit, is not yet perfect, may be improved into a law, from which the nation will receive great advantages, by which our trade will be extended, and our riches increased.

Many of the clauses, my lords, may in my opinion admit of an easy vindication, others may be amended by very slight alterations, and very few are either wholly useless, or manifestly improper.

The chief defect of the first clause is such, that the noble lord has, by declaring his disapprobation of it, given a very uncommon proof of his integrity, disinterestedness, and moderation; for it is imperfect only by placing too much confidence in the Admiralty, which is left in full power to determine the number of cruisers in or near the channel and soundings.

The noble lord has remarked, that the act of queen Anne, on which the present Bill is founded, exacted a determinate number of ships to be employed in this particular service, and that it was therefore more prudently drawn up than the present Bill. But I cannot see the wisdom of diminishing the authority of the lord high admiral; for had that act been extended in the same manner to other services, it would have left him only the name and shadow of an office, without power and without use.

This clause, my lords, rightly understood, is only a declaration of confidence in his majesty's officers, an evident confession of their abilities to discern the interest of the public, and of their zeal for the prosecution of it.

With as little reason, my lords, can it be objected, that the ships are required to be careened three times a year. The necessity of careening frequently those ships, of which the chief use arises from their celerity, every sailor can declare to your lordships; nor will any man whom his employments or his amusements have made acquainted with navigation, allege that any thing is proposed in the Bill which it would not be detrimental to the public service to neglect.

It has been objected by the noble lord, that they are directed to be careened "oftener, if there be occasion;" terms by which a discretionary power is implied, of which yet it does not appear in whose hands it is lodged. Let us consider, my lords, what inconvenience can arise from the clause as it now stands, and what corruption or negligence can be encouraged by it.

The discretionary right of bringing the ship into the ports to be careened oftener than thrice a year, must be without controversy placed in the captain; for none but those that are in the ship can discover the necessity of careening it, or know the inconveniences that are produced by the adhesion of extraneous substances to its sides and bottom.

I own, my lords, it may be objected,

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that every captain will by this clause be furnished with an excuse for deserting his station at pleasure; that under pretence of uncommon ardour to pursue the enemy, he may waste his time in endless preparations for expedition; that he may loiter in the port to careen his ship; that before it is foul, he may bring it back again, and employ the crew in the same operation; and that our merchants may be taken at the mouth of the harbours in which our ships of war lie to be careened.

But, my lords, it is to be remembered, that in the third clause a commissioner is appointed, by whom accounts are regularly to be transmitted to the Admiralty, of the arrival and departure of every ship, and by whom the conduct of every captain is to be inspected; and that he may easily detect such truant commanders, as shall careen their ships only for the sake of deserting their stations.

Nor can the merchants suffer by any negligence or corruption of the captains, because it is intended that the place of every ship returning into port shall be supplied by another; and that the same number shall be always in the same station, unless more important service makes them more necessary in another place.

This proviso, my lords, a proviso undoubtedly reasonable, is established in the second clause, but has not had the good fortune to escape the censure of the noble lord, who has enquired, What must be the conduct of the commanders of cruising vessels, if a sea-fight should happen beyond the Cape, which they are in this clause forbidden to pass?

That the clause may admit of expressions not only more proper, but more agreeable to the intention of those by whom it was drawn up, I cannot deny; for I suppose it very far from their design to limit the operations of our navy to any part of the ocean, and am confident that they meant only that the cruisers should not be dispatched to such a distance from their stations, as that our coasts should be left long unguarded, or the enemy have time to collect his forces, and pour his navies or his privateers upon our defenceless traders.

If by the commissioners mentioned in the third clause be intended a new swarm of officers, the proposition is such as I confess myself very far from approving; for it will be to little purpose that we protect the trade, if we invent new commissioners to devour its profits; nor can we hope for any other consequence from additional wealth, if it be procured by increasing the influence of the crown, but that we should become a more tempting prey to the harpies of a court.

But, my lords, to accomplish all that is intended by this clause, there is not any need of new officers; for there are not many ports in which ships of war can be commodiously careened, and perhaps there is not one which can be used for this purpose, in which there is not already some officer of the crown, whose employment allows him leisure sufficient for the execution of a new charge, and whose present salary will afford an ample recompence for some casual addition of employment.

The fourth clause, in which it is provided that no commander shall wilfully spring his mast, or desert his station, is such as I should be willing, with the noble lord, to think unnecessary; but must appeal to your lordships, whether the late conduct of the convoys has not too evidently shown the defect of our present establishment.

The injuries, my lords, which the public may suffer by the negligence of the commanders of the ships of war, are such as it is worthy of the legislature to obviate with the utmost caution; and therefore it is by no means improper to enact a punishment for those who shall upon any false pretences leave their station; for though such neglect of duty is, in the present state of our naval establishment, considered as disreputable and irregular, yet it does not appear that it has been censured with the detestation which it deserves, or punished with the severity necessary to its prevention.

It is observed, my lords, with relation to the following paragraph, that either House may at present require accounts of the conduct of the captains of the navy, and that therefore it is unnecessary to provide by any new law, that they shall be laid before them; but if it be considered, my lords, how many enquiries which we have a right to make, are year after year constantly omitted, and how many may be excited by curiosity to read accounts which lie before them, who yet will not move the House to demand the accounts, or engage in the debate which such a motion may produce, it will not be thought unnecessary to provide, that they shall be subject to examination without the formality of a regular vote.

As to the sixth clause, my lords, which

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regards the nomination of convoys at a certain time, I can discover no reasonable objection to such a provision, or none that can preponderate against the advantages which may arise from it. By the certain establishment of convoys, the value of insurance may be nearly fixed; merchants will know what confidence is to be reposed in the force of the ships, and what they have perhaps had of late equal reason to examine, how much trust can be placed in the fidelity of the commanders.

The nomination of convoys, my lords, is in my opinion more likely to affright our enemies, and to deter their attempts, than to encourage them by the information which it will afford them; for nothing but our own negligence can conceal from us the naval strength of any power on earth; and we may always, while we are careful to preserve our maritime superiority, protect our merchants so powerfully, that none of our enemies shall be incited to attack them by the knowledge of the number and force of the ships appointed for their defence.

I come now, my lords, to the seventh clause; and surely to ascertain the duties of the captains to whose protection our trading vessels are intrusted, cannot appear superfluous to any of your lordships who have read the lists of our losses, heard the complaints of our merchants, or made any enquiry into the conduct of our sea-captains. There is, I fear, too much reason to believe, that some of them have, with premeditated design, deserted the traders in places where they have known them most exposed to the incursions of the enemy; and it is to the last degree evident, that others have manifested such contempt of the merchants, and such a disregard of their interest, as may most justly expose them to the suspicion of very criminal negligence, of negligence which no community can be too watchful against, or too severely punish.

It has been affirmed by the noble lord, that it is not equitable to subject the commanders of convoys to penalties for the loss of the trading vessels, which may perhaps either rashly or negligently quit their protection. That it is not reasonable to subject them to penalties, is undoubtedly true; but, my lords, it is far from being equally certain, that it is not just to expose them to a trial, in a case in which it must be almost impossible to determine falsly: in a case where the crews of perhaps twenty ships may be called as witnesses of their conduct, and where none but those whose ship is lost can be under the least temptation to offer a false testimony against them.

On this occasion, my lords, it may not be improper to obviate the objection produced by the seeming omission of penal sanctions, which is only another proof of implicit confidence in the officers of the Admiralty, who have already the power, allowed to military courts, of proceeding against those who shall deviate from their orders. This power, which is in a great degree discretionary, it was thought improper to limit, by ascertaining the punishment of crimes which so many circumstances may aggravate or diminish; and therefore, in my opinion, this clause is far from being so defective as the noble lord represented it.

The last three clauses, by which the ships in America are prohibited to leave their station, by which it is required that accounts should be once in six months transmitted to the Admiralty, and by which the captains are subjected to the command of the governors of our colonies, are in my opinion justly to be censured. The first is impossible to be observed, the second is unnecessary, and the third will probably produce more inconveniencies than benefits.

Thus, my lords, I have endeavoured to show, that this Bill, though not perfect, is yet such as with some emendations may produce great advantages to the traders of this kingdom. For though it is undoubtedly a just observation, that the success of military attempts cannot be promoted by rigid restrictions and minute regulations, yet it is equally certain, that no nation has yet been so fortunate as to be served by men of integrity superior to laws, or of wisdom superior to instructions; and every government has found it necessary to direct the conduct of its officers by general rules, though they have been allowed to comply with particular circumstances, and to give way to sudden accidents.

I think it therefore, my lords, necessary to propose, that this Bill shall be more particularly examined in a committee, that after having received the necessary explanations and amendments, it may be referred again to the other House.

Lord *Delawar*:

My lords; the noble duke has by his arguments in favour of this Bill, given a very eminent proof of his great abilities; he has shewn every clause in that light



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which may least expose to view its improprieties and defects; but has at length only shown, that it is not impossible to make a useful law, for the purposes mentioned in the title of this Bill; not that any of the expedients now proposed will afford the desired advantage to the public, or obviate any of the inconveniencies of which the traders have been so long and so importunately complaining.

This Bill, my lords, is indeed founded upon a law made in a reign celebrated for the wisdom of our conduct and the success of our arms; but it will not, I suppose, be asserted, that nothing was even in that period ill-conducted; nor will it be an argument sufficient for the justification of an expedient, that it was practised in the victorious reign of queen Anne.

If we enquire into the consequences of that law, we shall find no inducement to revive it on this or any future occasion. For it had no other effect than that of exposing us to our enemies by dividing our forces; a disadvantage of which we soon found the effects, by the loss of two large ships of seventy guns, and a multitude of trading vessels, which, by that diminution of our naval armament, necessarily fell into the hands of privateers and small cruisers, that ravaged the ocean without fear or molestation.

If we examine the present establishment of our navy, my lords, it will be discovered, that nothing is proposed in this Bill which is not more efficaciously performed by the methods now in use, and more judiciously established by laws, of which long experience has shown the usefulness. This, my lords, will easily appear from the perusal of the orders which every commander of a convoy regularly receives, and of the printed rules established by his majesty in council for the royal navy.

In these, my lords, much more is comprehended than can properly be inferred in a law not occasionally variable: nor do I think any thing omitted which an experienced and candid enquirer will think useful to the increase of our naval strength, or necessary to the protection of our commerce.

In considering this Bill, I shall not trouble your lordships with a minute consideration of every single paragraph, though every paragraph might furnish opportunity for animadversions; but shall content myself with endeavouring to evince the reasonableness of some of the objections made by the noble lord who spoke first, and enforcing his opinion with such arguments as have occurred to me, though indeed it requires no uncommon sagacity to discover, or superior skill in ratiocination to prove, that where this Bill will produce any alteration in our present scheme, it will manifestly change it for the worse.

For surely, my lords, it will not be necessary to show, by any elaborate and refined reasoning, the absurdity of confining cruisers to particular stations, with an absolute prohibition to depart from them, whatever may be the certainty of destruction, or prospect of advantage.

If the intention of cruising ships is to annoy the enemies of the nation, ought they to be deprived of the liberty of pursuing them? If they are designed for the protection of our merchants, must they not be allowed to attend them till they are out of danger?

Every one, my lords, has had opportunities of observing, that there are men who are wholly engrossed by the present moment, and who, if they can procure immoderate profit, or escape any impending danger, are without the least solicitude with regard to futurity, and who, therefore, live only by the hour, without any general scheme of conduct, or solid foundation of lasting happiness, and who consequently are for ever obliged to vary their measures, and obviate every new accident by some new contrivance.

By men of this disposition, my lords, a temper by which they are certainly very little qualified for legislators, the Bill now before us seems to have been drawn up, for their attention is evidently so engaged by the present occurrences, that there is no place left for any regard to distant contingencies. The conclusion of this war is to them the period of human existence, the end of all discord and all policy. They consider Spain as the only enemy with whom we can ever be at variance, and have therefore drawn up a law, a law without any limitation of time, to enable us to oppose her. They have with great industry and long searches discovered, that cruisers on this side Cape Finisterre, may be of use against the Spaniards; and propose therefore, that in all times of war they are to be dispatched to that individual station, though we should be engaged in disputes with the northern crowns, or fit out fleets to make conquests in the East Indies.

In all our wars, my lords, however judiciously concerted and however happily



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concluded, the pleasures of success have been abated by the mortification of losses, and some complaints have been at all times mingled with the shouts of triumph. How much soever the glory of the nation has been elevated, the fortunes of particular persons have been impaired, and those have never thought themselves recompensed by the general advantages of the public, who have suffered by the acquisition of them; they have always imagined themselves marked out for ruin by malevolence and resentment, and have concluded that those disasters which fell upon them only by the common chance of war, were brought on them by negligence or design.

The losses of our merchants in the present war must be acknowledged to have been more than common; but if we examine accurately into the causes that may be assigned for so great a number of captures, we shall find them such as this law will have no tendency to remove, such as might be easily imagined before the commencement of hostilities, and such as it will be extremely difficult on any future occasion of the same kind, to hinder from producing the same effects.

The first and greatest cause, my lords, of the number of our losses, is the number of our ships, which cannot all be sufficiently protected. The extent, therefore, of our commerce, in proportion to that of our enemies, exposes us to double disadvantage; we necessarily lie open in more parts to the depredations of privateers, and have no encouragement to attempt reprisals, because they have few ships of value to be seized. The profit of our commerce naturally withholds our sailors from our ships of war, and makes part of our navy an idle show; the certainty of plunder incites them to turn their merchant ships into cruisers, and to suspend their trade for more profitable employment. Thus they at once increase the number of plunderers, and take away from us the opportunity of repairing our losses by the same practice.

And, my lords, if the losses of our merchants have been greater than in former wars, our trade is more extensive, and our ships far more numerous. Nor is it to be forgotten that a very important part of our commerce is carried on before the eyes of the Spaniards, so that they may issue out upon our merchants from their own coasts, and retire immediately beyond danger of pursuit.

But, my lords, neither the situation of Spain, nor the extent of our commerce, would have made this war so destructive, had not our merchants sometimes facilitated the attempts of our enemies by their own negligence or avarice.

I have been informed, my lords, that as the masters of trading vessels complain of having been deserted by their convoys, the captains of the ships of war have, in their turn, exhibited such representations of the conduct of the trading masters, as may prove that their caution is not proportioned to their clamour, and that in however melancholy terms they may recount the miseries of captivity, the calamities of ruined families, and the interruption of the trade of Great Britain, they will not endeavour to escape their enemies at the expence of much circumspection, and that the prospect of no large profit will be sufficient to overbalance the danger of those evils which they so pathetically lament.

It is not uncommon, my lords, when the fleet has entered the open seas, for the traders to take different courses both from the convoy and from each other, and to disperse themselves beyond the possibility of receiving assistance in danger or distress: and what wonder is it if part of them be lost, since only part of them can be protected?

It may be imagined, my lords, that this is only an excuse forged by the commanders to cover their own negligence or treachery. It may be asked, what motives could induce the merchants to expose themselves to unnecessary dangers, or what proofs they have ever given of such wild negligence of their own interest or safety, as that they should be suspected of rushing precipitately into the jaws of rapine.

This, my lords, is an objection specious in itself, and such as those who have not enquired into the present state of our traffic will not very readily discover to be fallacious; but it may easily be removed, by showing that the danger of being taken by the enemy is generally not so great to those who have the direction of the ship as it is commonly believed.

By the present custom of insurance, my lords, the merchant exempts himself from the hazard of great losses, and if he insures so much of the value of the ship and cargo, that the chance of arriving first at market is equivalent to the remaining part, what shall hinder him from pressing forward at all events, and directing his

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course intrepidly through seas crowded with enemies?

It is well known, my lords, that there is, in a great part of mankind, a secret malignity, which makes one unwilling to contribute to the advantage of another, even when his own interest will suffer no diminution; nor is it to be imagined that this disposition is less predominant in traders than in the other classes of the community, though it is exerted on different occasions. The envy of one part of mankind is excited by reputation, or interest, or dignity, or power. The trader, for the most part, envies nothing but money, in which he has been taught from his infancy that every human excellence is comprehended; and contributes to the increase of the riches of another, with the same unwillingness with which a soldier would concur in the advancement of an inferior officer to a post of higher rank and authority than his own.

For this reason, my lords, there is generally a malevolence in the merchant against the insurer, whom he considers as an idle caterpillar, living without industry upon the labours of others, and, therefore, when he lays down the sum stipulated for security, he is almost in suspence, whether he should not prefer the loss of the remaining part of the value of his vessel to the mortification of seeing the insurer enjoy that money, which fear and caution have influenced him to pay.

This disposition, undoubtedly, inclines him to proceed with less regard to his own security, and betrays him into dangers which it was at least possible to avoid; for to what purpose, says he, have I insured my ship, if I am not to be set free from the necessity of anxiety and caution? If I arrive safely at the port, I shall dispose of my commodities with uncommon advantage; if I miscarry, the insurer will at least suffer with me, and be deservedly punished for his suspicions and extortion.

I doubt not but some of your lordships will imagine, that I am now indulging chimerical speculations, that I am ascribing great force to weak motives, and supposing men to act upon principles which, in reality, never operated in the human breast. When I think disadvantageously of others, my lords, I am indeed always desirous to find myself mistaken, and shall be pleased to hear on this occasion from any of your lordships, who have conversed at large among mankind, that it is not common for one man to neglect his own interest for fear of promoting that of another. In the present question, my lords, I have only supposed that envy may be one motive among many, and wish its influence were so small, as that it might have been less proper to mention it.

The practice of insurance, my lords, whether it contributes or not to the number of the captures, undoubtedly increases the clamour which they occasion; for as the loss is extended, the complaint is multiplied, and both the merchant and insurer take the liberty of censuring the conduct of the naval officers, and of condemning the measures of the government. The ministry is charged with neglecting the protection of commerce, with oppressing the merchants, and with conniving at the enemy's preparations, that they who most eagerly solicited the war, may be the first that shall repent it.

Another cause of the frequency of our losses in the present war, is the general circulation of intelligence throughout Europe, by which it is made impossible to conceal from our enemies the state of our armies, our navies, or our trade. Every regiment that is raised, every ship that is built, every fleet of trading vessels that lies waiting for the wind, is minutely registered in the papers of the week, and accounts of it transmitted to every nation of the world, where curiosity or interest will pay for information. The Spaniards, therefore, need only regulate their schemes according to their instructions from Great Britain, and watch those fleets which are frequently sent out, for they may be confident that some masters will wander from their protectors, enticed by avarice, negligence, or temerity, and that they shall have opportunities of enriching themselves without the necessity of engaging the convoy.

To protect ships which are to be steered each at the will of the master, is no less impossible, my lords, than to conduct an army of which every private man is at liberty to march according to his own caprice, to form and pursue his own plan of operation, and to dispute and neglect the orders of his leader. Nor is it more reasonable to subject the captains of the ships of war to penalties for the loss of a vessel, over which they have no authority, than to require from an officer in the army an account of the lives of men, who perished by disobeying his commands.

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In my opinion, my lords, we might, with far greater probability of success, revive a precedent that may be found in the reign of king William, in which it was appointed by an order of council, that the name of every ship which went out with a convoy should be registered, and that the owners should give security to provide a sufficient number of arms, and a proper quantity of ammunition to assist the king's ships in annoying or repelling the enemy; with one injunction more of the utmost importance to the efficacious protection of our commerce, and which, therefore, in every war ought to be repeated and enforced; an injunction by which the masters of the ships of trade were required to obey the directions of the commander of the convoy.

That some measures ought to be concerted for the preservation of our trade I am very far from denying, and shall willingly concur in such as shall to me appear likely to promote the end proposed by them. Our losses, my lords, are undoubtedly great, though I believe far less than they are reported by discontent and malevolence; for if a ship be delayed by an accidental hinderance, or kept back by contrary winds for a few days, there are men so watchful to snatch every opportunity of reproaching the measures of the government, that a clamour is immediately raised, the ship is taken, the merchants are sacrificed, and the nation betrayed.

While this report is conveyed from one to another, and like other falshoods increasing in its progress, while every man adds some circumstance of exaggeration, or some new proof of the treachery of the ministry, the ship enters the port, and puts an end indeed to the anxiety of the owners and insurers, but by no means pacifies the people, or removes their prejudices against the conduct of their governors; for as no man acknowledges himself the first author of the report, no man thinks himself under any obligation to retract or confute it, and the passions of the multitude, being once in commotion, cannot be calmed before another opportunity of the same kind may be offered for agitating them afresh.

To the expectations of the people, my lords, it is always proper to have some regard, nor is there any valuable use of power but that of promoting happiness, and preventing or removing calamities; but we are not to endeavour to pacify them by the appearance of redress, which, in reality, will only increase those evils of which they complain, nor to depress the reputation of this assembly by passing laws which the experience of a single month will prove to be of no use.

Of this kind, my lords, the Bill now before us has been shown by the noble lord that spoke first on this occasion, by whom every clause has been discovered to be either defective or unnecessary, and who has evinced, beyond all possibility of reply, that the regulations here proposed can be divided only into two kinds, of which one is already established either by law or prescription, and the other cannot be admitted without apparent injury both to our navy and our trade.

Part of the clauses the noble duke has indeed attempted to defend, but has been obliged by his regard to reason and to truth, to make such concessions, as are, in my opinion, sufficient arguments for the rejection of the Bill. He has admitted of almost every clause that is imperfect, that it may be amended by farther consideration, and that, though not wholly to be neglected, it yet requires some farther improvements to become effectual to the advantage of our merchants.

The last three clauses his natural abilities and just discernment immediately showed him to be indefensible, and he has too much regard to the interest of his country to attempt the vindication of a Bill, which could not be passed without weakening it by impairing its naval force, and yet more sensibly by diminishing the reputation of its legislature.

I hope therefore, my lords, that I shall not undergo the common censure of disregard to our commercial interest, or be ranked amongst the enemies of the merchants, though I declare, that in my opinion, this Bill ought to be rejected as unnecessary and injudicious, and that we should only, by considering in a committee what no consideration can amend, waste that time in a fruitless attempt, which may be spent much more usefully upon other subjects.

The Earl of *Chesterfield*:*

My lords; though I do not approve equally of every part of the Bill now before us, though I think some of the provisions unnecessary, others unlikely to

* In the Collection of Dr. Johnson's Debates, this Speech is erroneously attributed to Lord Carteret.

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produce any beneficial effects, and some already established by former acts of parliament, or rules of the Admiralty, yet I cannot agree with the noble lord that it is unworthy of farther consideration.

In my opinion, my lords, it is necessary for many reasons, to amend this Bill rather than reject it; and I hope, that when I shall have laid before you the result of those enquiries, and those reflections which I have made on this occasion, your lordships will judge it not improper to refer it to a committee.

Nothing, my lords, is more necessary to the legislature than the affection and the esteem of the people; all government consists in the authority of the few over the many, and authority, therefore, can be founded only on opinion, and must always fall to the ground, when that which supports it is taken away.

For this reason, my lords, it is worthy of this most august assembly, to endeavour to convince the people of our solicitude for their happiness and our compassion for their sufferings, lest we should seem elevated by the casual advantages of birth and fortune above regard to the lower classes of mankind, lest we should seem exalted above others only to neglect them, and invested with power only to exert it in acts of wanton oppression, lest high rank should in time produce hatred rather than reverence, and superiority of fortune only tempt rapine and excite rebellion.

The Bill now under our consideration, my lords, cannot be rejected without danger of exasperating the nation, without affording to the discontented and malevolent an opportunity of representing this House as regardless of the public miseries, and deaf to the cries of our fellow-subjects languishing in captivity and mourning in poverty. The melancholy and dejected will naturally conceive us inebriated with affluence, and elated with dignity, endeavouring to remove from our eyes every spectacle of misery, and to turn aside from those lamentations which may interrupt the enjoyment of our felicity.

Nor, indeed, can it be justly said, that such representations are without grounds, when we consider the important occasion on which this Bill is drawn up, the bitterness of those calamities which it is intended to redress, and the authority by which it is recommended to us.

It may naturally be expected, my lords, that the title of a Bill for the Protection and Security of Trade should raise an uncommon degree of ardour and attention; it might be conceived that every lord in this House would be ambitious of signalizing his zeal for the interest of his country, by proposing, on this occasion, every expedient which experience or information had suggested to him, and that instead of setting ourselves free from the labour of enquiry and the anxiety of deliberation, by raising objections to the Bill and rejecting it, we should labour with unanimous endeavours and incessant assiduity to supply its defects, and correct its improprieties, to show that a design so beneficial can never be proposed to us without effect, and that whenever we find honest zeal we shall be ready to assist it with judgment and experience.

Compassion might likewise concur to invigorate our endeavours on this occasion. For who, my lords, can reflect on families one day flourishing in affluence, and contributing to the general prosperity of their country, and on a sudden, without the crime of extravagance or negligence, reduced to penury and distress, harassed by creditors, and plundered by the vultures of the law, without wishing that such misfortunes might by some expedient be averted? But this, my lords, is not the only nor the greatest calamity, which this Bill is intended to prevent. The loss of wealth, however grievous, is yet less to be dreaded than that of liberty, and indigence added to captivity is the highest degree of human misery. Yet even this, however dreadful, is now the lot of multitudes of our fellow-subjects, who are languishing with want in the prisons of Spain.

Surely, my lords, every proposal must be well received that intends the prevention or relief of calamities like these. Surely the ruin of its merchants must alarm every trading nation, nor can a British House of Peers sit unconcerned at the captivity of those men by whom liberty is chiefly supported.

Of the importance of the merchants, by whom this Bill is recommended to our consideration, and by whose influence it has already passed the other House, it is not necessary to remind your lordships, who know, that to this class of men our nation is indebted for all the advantages that it possesses above those which we behold with compassion or contempt, for its wealth and power, and perhaps for its liberty and civility. To the merchants, my lords, we owe that our name is known beyond our own coasts, and that our influence

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is not confined to the narrow limits of a single island.

Let us not therefore, my lords, reject with contempt what is proposed and solicited by men of this class; men whose experience and knowledge cannot but have enabled them to offer something useful and important, though perhaps for want of acquaintance with former laws, they may have imagined those provisions now first suggested, which have only been forgotten, and petitioned for the enaction of a new law, when they needed only an enforcement of former statutes.

That our naval force has, in the present war, been misapplied, that our commerce has been exposed to petty spoilers, in a degree never known before, that our convoys have been far from adding security to our traders, and that with the most powerful fleet in the world, we have suffered all that can fall upon the most defenceless nation, cannot be denied.

Nor is it any degree of temerity, my lords, to affirm, that these misfortunes have been brought upon us by either negligence or treachery; for besides that no other cause can be assigned for the losses which a powerful people suffer from an enemy of inferior force, there is the strongest authority for asserting, that our maritime affairs have been ill-conducted, and that therefore the regulation of them is very seasonably and properly solicited by the merchants.

For this assertion, my lords, we may produce the authority of the other House, by which a remonstrance was drawn up against the conduct of the Commissioners of the Admiralty. This alone ought to influence us to an accurate discussion of this affair. But when an authority yet more venerable is produced, when it appears that his majesty, by the dismission of the Commissioners from their employments, admitted the justice of the representation of the Commons, it surely can be of no use to evince, by arguments, the necessity of new regulations.

It is indeed certain, that men of integrity and prudence, men of ability to discern their duty, and of resolution to execute it, can receive very little assistance from rules and prescriptions; nor can I deny what the noble lord has affirmed, that they may be sometimes embarrassed in their measures, and hindered from snatching opportunities of success, and complying with emergent occasions; but, my lords, we are to consider mankind, not as we wish them, but as we find them, frequently corrupt, and always fallible.

If men were all honest and wise, laws of all kinds would be superfluous, a legislature would become useless, and our authority must cease for want of objects to employ it; but we find, my lords, that there are men whom nothing but laws and penalties can make supportable to society, that there are men, who, if they are not told their duty, will never know it, and who will, at last, only perform what they shall be punished for neglecting.

Were all men, like the noble lord whom I am now attempting to answer, vigilant to discover, sagacious to distinguish, and industrious to prosecute the interest of the public, I should be very far from proposing that they should be constrained by rules, or required to follow any guide but their own reason; I should resign my own prosperity, and that of my country, implicitly into their hands, and rest in full security that nothing would be omitted that human wisdom could dictate for our advantage.

I am not persuading your lordships to lay restraints upon virtue and prudence, but to consider how seldom virtue and authority are found together, how often prudence degenerates into selfishness, and all generous regard for the public is contracted into narrow views of private interest. I am endeavouring to show, that since laws must be equally obligatory to all, it is the interest of the few good men to submit to restraints, which, though they may sometimes obstruct the influence of their virtue, will abundantly recompense them, by securing them from the mischiefs that wickedness, reigning almost without limits, and operating without opposition, might bring upon them.

It may not be improper to add, my lords, that no degree of human wisdom is exempt from error; that he who claims the privilege of acting at discretion, subjects himself likewise to the necessity of answering for the consequences of his conduct, and that ill success will at least subject him to reproach and suspicion, from which, he whose conduct is regulated by established rules, may always have an opportunity of setting himself free.

Fixed and certain regulations are therefore, my lords, useful to the wisest and best men; and to those whose abilities are less conspicuous, and whose integrity is at best doubtful, I suppose it will not be doubted that they are indispensably necessary.



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Some of the expedients mentioned in this Bill, I shall readily concur with the noble lord in censuring and rejecting: I am very far from thinking it expedient to invest the governors of our colonies with any new degree of power, or to subject the captains of our ships of war to their command. I have lived, my lords, to see many successions of those petty monarchs, and have known few whom I would willingly trust with the exercise of great authority. It is not uncommon, my lords, for those to be made cruel and capricious by power, who were moderate and prudent in lower stations; and, if the effects of exaltation are to be feared even in good men, what may not be expected from it in those, whom nothing but a distant employment could secure from the laws, and who, if they had not been sent to America to govern, must probably have gone thither on a different occasion?

The noble duke, who has vindicated the Bill with arguments to which very little can be added, and to which I believe nothing can be replied, has expressed his unwillingness to concur in any measures for the execution of which new officers must be appointed. An increase of officers, my lords, is indeed a dreadful sound, a sound that cannot but forebode the ruin of our country; the number of officers already established is abundantly sufficient for all useful purposes, nor can any addition be made but to the ruin of our constitution.

I am therefore of opinion, that no new officer was intended by those that drew up the Bill, and that they proposed only to furnish those that loiter in our ports, at the expence of the public, with an opportunity of earning their salaries by some useful employment.

I know not indeed, my lords, whether any good effects can be reasonably hoped from this provision; whether men accustomed to connivance and negligence in affairs of less importance, ought to be trusted with the care of our naval preparations, and engaged in service, on which the prosperity of the public may depend, and cannot conceal my apprehensions, that such men, if commissioned to superintend others, may themselves require a superintendent.

But, my lords, this and every other clause may in a committee be carefully examined and deliberately corrected; and since it appears evident to me, that some law is necessary for the security of our commerce, I think this Bill ought not to be rejected without farther consideration.

Lord *Winchelsea* rose again, and said:

My lords; as the known sincerity of that noble lord allows no room for suspecting, that he would bestow any praises where he did not believe there was some desert, and as his penetration and acuteness secure him from being deceived by any false appearances of merit, I cannot but applaud myself for having obtained his esteem, which I hope will not be forfeited by my future conduct.

Having happily gained the regard of so exact a judge of mankind, I am the less solicitous what opinion may be conceived of my abilities or intentions by those whose censures I less fear, and whose praises I less value, and shall therefore cheerfully hazard any degree of popularity which I may have hitherto possessed, by continuing my opposition to this Bill, of which I am still convinced that it will produce nothing but embarrassment, losses, and disgrace.

The necessity of gaining and preserving the esteem of the people I very willingly allow, but am of opinion that though it may sometimes be gained by flattering their passions and complying with their importunities, by false appearances of relief and momentary alleviations of their grievances, it is only to be preserved by real and permanent benefits, by a steady attention to the great ends of government, and a vigorous prosecution of the means by which they may be obtained, without regard to present prejudices or temporary clamours.

I believe, my lords, it will always be found that it is dangerous to gratify the people at their own expence, and to sacrifice their interest to their caprices; for I have so high a veneration of their wisdom, as to pronounce without scruple, that however they may for a time be deceived by artful misrepresentations, they will at length learn to esteem those most, who have the resolution to promote their happiness in opposition to their prejudices.

I am therefore confident, my lords, of regaining the popularity which I may lose by declaring once more that this Bill ought to be rejected, since no endeavours shall be wanting to show how little it is necessary, by an effectual protection of every part of our trade, and a diligent provision for the naval service.

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The Duke of *Bedford:*

My lords; I am convinced that this Bill is very far from being either absurd or useless, nor can imagine that they by whom it was drawn up, could fail of producing some expedients that may deserve consideration.

It is probable, that a farther enquiry may show the propriety of some clauses, which at present appear most liable to censure; and that, if we reject this Bill thus precipitately, we shall condemn what we do not fully comprehend.

No clause appeared to me more unworthy of the judgment and penetration of the merchants than the last, nor was there any which I should have rejected at the first perusal with less regret; yet, having taken this opportunity of considering it a second time, I find it by no means indefensible, for the direction of ships stationed for the defence of our American territories, is not committed to the governors alone. The council of each province is joined with them in authority, by whom any private regards may be overborne, and who cannot be supposed to concur in any directions which will not promote the general interest of the colony.

I doubt not, my lords, but other clauses have been equally mistaken, and therefore think it necessary to consider them in a committee, where every lord may declare his sentiments, without the restraint of a formal debate, and where the Bill may be deliberately revised, and accommodated more exactly to the present exigencies of the nation.

Lord *Winchelsea:*

My lords; the only reason which has been urged for considering this Bill in a committee, is the necessity of gratifying the merchants, and of shewing our concern for the prosperity of commerce. If therefore it shall appear, that the merchants are indifferent with regard to its success, I hope it will be rejected without opposition.

I was this morning, my lords, informed by a merchant, who has many opportunities of acquainting himself with the opinions of the trading part of the nation, that they were fully convinced of the impossibility of adapting fixed rules to variable exigencies, or of establishing any certain method of obviating the chances of war, and defeating enemies who were every day altering their schemes; and declared that they had no hopes of security but from the vigilance of a board of Admiralty, solicitous for the welfare of the merchants and the honour of the nation

Lord *Cholmondeley:*

My lords; as three clauses of this Bill have been universally given up, and almost all the rest plainly proved by the noble lord to be either absurd or superfluous, I cannot see why it should not be rejected without the solemnity of farther consideration, to which indeed nothing but the title can give it any claim.

The title, my lords, is indeed specious, and well fitted to the design of gaining attention and promoting popularity: but with this title there is nothing that corresponds, nor is any thing to be found but confusion and contradictions, which grow more numerous upon farther search.

That the whole Bill, my lords, is unnecessary, cannot be denied, if it be considered that nothing is proposed in it which is not already in the power of your lordships, who may call at pleasure for the lists of the navy, the accounts of the cruisers, the duties of their commissions, and the journals of their commanders, (as you did in the 6th of queen Anne) and detect every act of negligence or treachery, and every instance of desertion or of cowardice.

Nothing is necessary to the regulation of our naval force, but that your lordships vigilantly exert that power which is conferred upon you by the constitution, and examine the conduct of every officer with attention and impartiality; no man then will dare to neglect his duty, because no man can hope to escape punishment.

Of this Bill, therefore, since it is thus useless and inconsistent, I cannot but suspect, my lords, that it was concerted for purposes very different from those mentioned in the title, which it has indeed no tendency to promote. I believe, my lords, the projectors of it intended not so much to advance the interest of the merchants, as to depress the reputation of those whom they have long taken every opportunity of loading with reproaches, whom they have censured as the enemies of trade, the corrupters of the nation, and the confederates of Spain.

To confirm these general calumnies, it was necessary to fix on some particular accusation which might raise the resentment of the people, and exasperate them beyond reflection or enquiry. For this

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purpose nothing was more proper than to charge them with betraying our merchants to the enemy.

As no accusation could be more efficacious to inflame the people, so none, my lords, could with more difficulty be confuted. Some losses must be suffered in every war, and every one will necessarily produce complaints and discontent; every man is willing to blame some other person for his misfortunes, and it was therefore easy to turn the clamours of those whose vessels fell into the hands of the Spaniards, against the ministers and commanders of the ships of war.

These cries were naturally heard with the regard always paid to misfortune and distress, and propagated with zeal, because they were heard with pity. Thus in time, what was at first only the outcry of impatience, was by malicious artifices improved into settled opinion, that opinion was diligently diffused, and all the losses of the merchants were imputed, not to the chance of war, but the treachery of the ministry.

But, my lords, the folly of this opinion, however general, and the falshood of this accusation, however vehement, will become sufficiently apparent, if you examine that bulky collection of papers which are now laid before you, from which you will discover the number of our fleets, the frequency of our convoys, the stations of our ships of war, and the times of their departure and return; you will find that no provision for war, no expedient likely to promote success, has been neglected; that we have now more ships equipped than in the late war with France, that nothing can be added to the exactness with which our maritime force is regulated, and that there is not the least reason to doubt of the fidelity with which it has been employed.

In every war, my lords, it is to be expected that losses will be suffered by private persons on each side, nor even in a successful war can the public always hope to be enriched; because the advantage may arise, not immediately from captures, but consequently from the treaties or conditions in which a prosperous war may be supposed to terminate.

What concessions we shall in this war extort from the Spaniards, what security will be procured for our merchants, what recompence will be yielded for our losses, or what extent will be added to our commerce, it cannot yet be expected that any man should be able to declare; nor will his majesty's counsellors be required to give an account of futurity. It is a sufficient vindication of their conduct, and an evident proof of the wisdom with which the war has been conducted, that we have hitherto gained more than we have lost.

This, my lords, will appear from a diligent and minute comparison of the captures on each side, and an exact computation of the value of our losses and our prizes. It will be found that if the Spaniards have taken, as it is not improbable, a greater number of ships, those which they have lost have been far more wealthy.

The merchants indeed seem to have distrusted the strength of the evidence which they produced in support of their allegations, by bringing it only before the other House, where, as an oath could not be administered, every man delivered what he believed as what he knew, and indulged himself without scruple in venting his resentment, or declaring his suspicions, a method of allegation very proper to scatter reproaches and gratify malevolence, but of very little use for the discovery of truth.

Had they come before your lordships, every circumstance had been minutely examined, every assertion compared with other evidence, all exaggerations repressed, and all foreign considerations rejected, each party would have been impartially heard, and it would have plainly been known to whom every loss was to be imputed. The negligence or treachery of the commanders of the convoys, wherever it had been found, would have been punished, but they would not have charged them with those miscarriages which were produced only by the obstinacy or inattention of the masters of the trading vessels.

Such enquiries, my lords, they appear to have thought it their interest to decline, and therefore did not proceed on their petition to this House; and if they did in reality avoid a rigorous examination, what can be inferred, but that they intended rather to offer insinuations than proofs, and rather to scatter infamy than obtain justice?

And that nothing was indeed omitted that could secure our own commerce, or distress our enemies, may reasonably be collected from the number and great strength of our fleet, to which no empire in the world can oppose an equal force. If it has not been supplied with sailors without some delays, and if these delays have given our enemies an opportunity of



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adding to their securities, of fortifying their ports, and supplying their magazines, it must be ascribed to the nature of our constitution, that forbids all compulsory methods of augmenting our forces, which must be considered as perhaps the only inconvenience to be thrown into the balance against the blessings of liberty.

The difficulty of manning our ships of war, is indeed extremely perplexing. Men are naturally very little inclined to subject themselves to absolute command, or to engage in any service without a time limited for their dismission. Men cannot willingly rush into danger without the prospect of a large advantage; they have generally some fondness for their present state of life, and do not quit it without reluctance. All these reasons, my lords, concur to withhold the sailors from the navy, in which they are necessarily governed with higher authority than in trading vessels, in which they are subjected to punishments, and confined by strict regulations, without any certain term of their bondage: for such they, who know not the necessity of subordination, nor discover the advantages of discipline, cannot but account subjection to the will and orders of another.

By serving the merchants, they not only secure to themselves the liberty of changing their masters at pleasure, but enjoy the prospect of a near and certain advantage; they have not indeed any expectations of being suddenly enriched by a Plate-ship, and of gaining by one engagement such wealth as will enable them to spend the rest of their lives in ease and affluence; but they are sure of a speedy payment of their wages, perhaps of some profits from petty commerce, and of an opportunity of squandering them at land in jollity and diversions; their labour is cheerful, because they know it will be short, and they readily enter into an employment which they can quit when it shall no longer please them.

These considerations, my lords, have no influence upon the preparations of France and Spain, where no man is master of his own fortune, or time, or life, and where the officers of the state can drive multitudes into the service of the crown, without regard to their private views, inclinations, or engagements. To man a fleet, nothing is necessary but to lay an embargo on the trading vessels, and suspend their commerce for a short time; therefore no man dares refuse to enter into the public service when he is summoned; nor, if he should fly, as our sailors, from an impress, would any man venture to shelter or conceal him.

Absolute monarchs have therefore this advantage over us, that they can be sooner prepared for war, and to this must be ascribed all the success which the Spaniards have obtained. This, my lords, will not be obviated by the Bill now before us, nor will it indeed procure any other benefit to the trade, or any addition to the power of the nation.

Of the ten clauses comprised in the Bill, the greatest part is universally allowed to be injudiciously and erroneously proposed; and those few, which were thought of more importance, have been shown to contain no new expedients, nor to add any thing to the present regulations.

I cannot therefore discover any reason, my lords, that should induce us to refer to a committee this Bill, of which part is confessedly to be rejected, and the rest is apparently superfluous.

Then the question being put, Whether the Bill should be referred to a committee, it passed in the negative. Content 25. Not content 59.*

FURTHER REPORT FROM THE COMMITTEE OF SECRECY APPOINTED TO ENQUIRE INTO THE CONDUCT OF ROBERT EARL OF ORFORD.] June 30. Lord Limerick presented to the House of Commons, a further Report of the Committee of Secrecy, which he read in his place, as follows:

A Further REPORT from the COMMITTEE OF SECRECY, appointed to enquire into the Conduct of ROBERT Earl of ORFORD, during the last Ten Years of his being First Commissioner of the Treasury, and Chancellor and Under-Treasurer of his Majesty's Exchequer.

Your Committee having, in their former Report, laid before the House the obstructions they met with in the course of their enquiry, and finding that the Lords

* "On the rejection of this Bill by the Lords, a Bill which related to an affair of no less importance than the security of Trade and Navigation, and which had been unanimously passed by the Commons, it was satirically remarked, that the Upper House understood trade and navigation better than the Lower." Gentleman's Magazine.

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had refused to concur in the means proposed by this House to remove them, by rejecting the Bill for indemnifying such persons as shall, upon examination, make discoveries touching the disposition of public money, or concerning the disposition of offices, or any payments or agreements in respect thereof, or concerning other matters relating to the Conduct of Robert earl of Orford, have not thought it advisable to enter upon any new matter relating to the transactions of the earl of Orford. But as, previous to the rejecting of the said Bill by the other House, they had several matters before them of the highest consequence and importance to the success of the war with Spain, and to the domestic œconomy and good order of the kingdom, to the payment of the troops abroad, to the freedom of elections at home, and to the quantity and method of issuing public money for the secret services of the state, in all which the said earl appears to have had the principal, if not the sole direction; your committee thought it their absolute duty to lay these matters before the House, and were preparing to do it with as much clearness and perspicuity, as the many notorious difficulties and discouragements this enquiry has laboured under would permit. But in the execution of this design, they were again interrupted by a new and unforeseen obstruction to one of the most material points in question, which therefore, together with the other matters above-mentioned, they find themselves under a necessity of laying before the House.

As the vigorous and successful prosecution of the war in America seems to have been the great object of the interests and inclination of the people of Great Britain; and as an expedition to a climate so distant and dangerous, must unavoidably be attended with an immense expence both of men and money to the nation, your committee therefore, considering how essentially it must affect the glory of his majesty's arms, and the justice due to this nation, that those of their countrymen, who cheerfully undertook a service, where the enemy was the least danger they were exposed to, should be justly and fully paid the great sums raised to support them, have thought it their duty to enquire into the contract made for supplying his majesty's forces going upon the expedition with lord Cathcart, and to examine whether it had been established on the most just and advantageous foot, for troops so peculiarly deserving the care and attention of the public. And in proceeding therein

Your Committee find, that the money, or rather the currency of Jamaica, is of a less value than sterling money; and, by the examination of merchants, it appears, that for some years before the commencement of the war with Spain, the rate of exchange between Jamaica and England was from 135 to 140, but generally at 140, very few bills having been drawn under that rate; that is, persons at Jamaica generally paid 140*l.* of the currency of that country, for a bill which intitled them, or their agents, to 100*l.* sterl. in England.

Your Committee find, that on the 9th of July 1740, the following proposal was made to the Treasury for furnishing money at Jamaica for the expedition under lord Cathcart, by Peter Burrel and John Bristow, esqrs. members of this House.

To the Right Honourable the Lords Commissioners of his Majesty's Treasury, the Proposal of Peter Burrel and John Bristow.

'That they are ready to furnish at Jamaica his majesty's forces going upon the intended expedition with lord Cathcart, with any sums of money, and at the times which the service shall require, at the rate of 100*l.* sterl. for every 120*l.* paid at Jamaica in the currency of that island; that the sum of 27,000*l.* be paid to them before the departure of the troops, they furnishing their bills at sight on Jamaica for the amount thereof, at the above-mentioned rate of 100*l.* sterl. for 120*l.* Jamaica currency. That the subsequent payments be made upon their producing the deputy-paymaster's bills or receipts, who shall be directed to give the same for the sums they shall receive from time to time.

*London, July* 9, 1740. 'PETER BURRELL.
'JOHN BRISTOW.'

This proposal was the same day agreed to by the commissioners of the treasury, the earl of Orford being then present at the board, which appears the more extraordinary to your committee, because the commissioners of the treasury (had they thought fit to enquire) must have found, that for several months preceding the date of this proposal, all the bills drawn from Jamaica for the service of his majesty's navy and ordnance, were drawn at the rate of 140*l.* for 100*l.* sterl.

Your Committee also observe, that at

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the time of the delivery of this proposal, it could be no secret to Mr. Burrell and Mr. Bristow that the exchange from Jamaica was 140*l.* for your committee find in the minutes of a court of directors of the South-Sea company, when Mr. Burrell sub-governor, and Mr. Bristow deputy-governor, were present, the following order:

Friday, March 16, 1738-9.

'Ordered, That it be referred to the 'committee of correspondence to consider, 'and report their opinion concerning the 'exchange from Jamaica, which is now at '140*l.* for 100*l.* sterl. and yet the com-'pany are not credited for the dollars, 'pistoles, and bar-gold, more than when 'the exchange was at 135 per cent.'

The circumstances which preceded and occasioned this extraordinary transaction, as far as your committee have been able to trace them, are of a very singular nature; for it appears by the examination of captain Alexander Wilson, who was agent to lord Cathcart, when he was preparing for the expedition to the West Indies, That in May or June preceding this contract, the paymaster-general communicated to lord Cathcart a method of paying the troops, which his lordship approved of; this was by sending a sum of money by the deputy-paymaster, who was to attend the expedition, and impowering him to draw what Bills should be necessary, and directing the troops to be paid at Jamaica, at such a rate of exchange, as should appear to lord Cathcart and the superior officers to be most advantageous to the troops; and it being intimated some time after to lord Cathcart, that a contract for paying the troops, at 120*l.* Jamaica money, for 100*l.* sterl. was then depending before the treasury, he immediately procured a meeting with Mr. Hanbury Willliams, paymaster of the marines, Mr. Burrell and Mr. Bristow, with a view, if possible, to get the troops paid in a more advantageous manner, for he did not apprehend the contract was at that time passed. At this meeting he mentioned the inconveniencies which might arise from the paying the men at a rate so much lower than the known exchange, and the danger there was from what he had observed abroad, of its producing discontents and mutiny; and after several arguments raised on both sides, their meeting ended on Mr. Burrell's or Mr. Bristow's declaring, that they had made an agreement with the treasury already, on the terms of 120*l.* Jamaica money for 100*l.* sterl. and that they could not do it for less profit.

From the examinations of Mr. Burrell and Mr. Bristow, it appears, that they applied for this contract to the earl of Orford, and to no other person; for when it was publicly known that the troops were going to Jamaica, Mr. Burrell acquainted the said earl, that he had correspondents in Jamaica, on the South-Sea company's account, who were men of great credit, and had the greatest command of money of any in the place, and he thought, if money was wanted there, he could supply the government as well as any body; and that afterwards, considering the great importance of the affair, he thought it too much hazard for himself alone, and mentioned it to Mr. Bristow, and they together settled the terms of their proposal; and about the month of June, 1740, the parliament being then prorogued, they waited on the earl of Orford, and proposed to him the same terms, which were afterwards agreed to by the treasury; the said earl asked them if these were the lowest terms, and hoped they would not ask more than was reasonable, or what any body else should complain of; that he would not take it on himself, but desired them to make their proposals to the treasury, which seems to your committee to have been entirely matter of form; for it appears, that when this proposal was accordingly delivered to the treasury, the gentlemen cannot recollect to whom it was delivered, nor when, nor by whom they were informed of its being accepted; nay, one of the gentlemen even does not remember, whether they themselves went with the proposal when it was presented.

And your Committee having also examined Charles Hanbury Williams, esq. a member of this House, touching the conversation that passed between Mr. Burrell, Mr. Bristow, and lord Cathcart, at Mr. Williams's office, have also added his examination to the others in the Appendix, to which they beg leave to refer.

Your Committee cannot find that any notice or intimation was given to any person, except what passed between the earl of Orford and the contractors, as is before mentioned, of the intention of the treasury to make this contract; for it appears by the examination of James Knight, esq. that when he heard the troops were going to Jamaica, and was told the trea-

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sury would contract with private persons for paying them, he did himself intend to make an offer of furnishing the money, but in a very few days after, he heard the treasury had agreed with Mr. Burrell and Mr. Bristow, at the rate of 120*l.* and he did not believe the treasury ever gave any notice of their intentions to make any such contract. That what he expected was not a formal public notice, but that it should have been communicated to merchants, as he has heard has been practised in queen Anne's wars, and had this been done, he believes several besides himself would have proposed, and that he himself would have furnished the money at 130*l.* per cent. for 100*l.* sterling, and should have thought it a good bargain, provided he could have had the same money advanced to him which he has heard was advanced to Mr. Burrell and Mr. Bristow; that after the first difficulty, which would be on the arrival of the troops, was over, he did not doubt but he could have contracted with the people of the island to furnish the money at the rate of 137½, and if the whole money was advanced to him here beforehand, and he was only to send it over and furnish it at Jamaica at the rate of 130*l.* per cent. he thinks he should make 12, or 15 per cent. per annum of the sums he furnished, by returning the same money twice a year.

This led your Committee into a computation of the profits which might have been made on this contract, which they conceive to stand thus: if the value of 100*l.* sterling be sent to Jamaica in moidores, it appears they will produce 143*l.* 10*s.* Jamaica currency; but by this contract, only 120*l.* Jamaica currency was to be paid at Jamaica for every 100*l.* sterling received here: to this 120*l.* Jamaica currency, all the necessary charges must be added, which your committee conceive to be 1*l.* per cent. commission, 2½ per cent. insurance, 1*l.* per cent. freight, and ¼ per cent. for the charges of shipping; in all, 4*l.* 15s. per cent. which on 120*l.* Jamaica currency, is 5*l.* 14*s.* of the same currency, in all 125*l.* 14*s.* Jamaica currency. So that the profit to be made on sending moidores, was the difference between 125*l.* 14*s.* and 143*l.* 10*s.* which is 17*l.* 16*s.* Jamaica currency, or 12*l.* 8*s.* 1*d.* sterling out of every 100*l.* sterling, which is 14*l.* 3*s.* 2*d.* ¼ per cent. sterling. And your Committee observe that if half of the sum sent had been in six and thirty-shilling pieces, and only half in moidores, 100*l.* sterling so sent would have produced 141*l.* Jamaica currency, which is only 2*l.* 10*s.* Jamaica currency less than moidores alone would have produced.

And your Committee cannot help observing, that if the treasury had thought fit to send in moidores to Jamaica, on the account of the public, the same sums of money which they actually advanced to the contractors, then every 100*l.* sterling so sent would have produced 143*l.* 10*s.* Jamaica currency, except what may be allowed for insurance, which your committee is informed amounts to about 2½ per cent. on money sent by ships of war. Nor could frequent opportunities have been wanting of sending, on board his majesty's ships, such farther supplies of money as might at any time have been necessary for that service. But if it had been thought more advisable to have supplied part of this expence by draughts from thence, there can be no doubt but that the deputy-paymaster being furnished with a proper proportion of specie from hence, would have been able to keep up the exchange at 140*l.* and in that case no charge would have attended that part so supplied.

It further appears, that in the course of this affair, and before the departure of lord Cathcart, still greater indulgences were granted to the contractors; for by their first proposal the sum of 27,000*l.* only was to be advanced them by the treasury before the departure of the troops, but the subsequent payments were not to be made to them till they produced the deputy-paymaster's bills or receipts: and yet on the 30th of September following, which was before the departure of the troops, 12,000*l.* was further advanced to them by the paymaster-general, for their bill of that date; and on the 1st of October 9,500*l.* more was advanced to them by the paymaster of the marines, for their bill of the 30th of September; and on the 23rd of December a sum of 12,000*l.* was advanced by the paymaster-general, for their bill of that day's date; and on the 6th of January, a farther sum of 9,000*l.* was advanced by the paymaster of the marines for their bill of the 31st of December. All in consequence of minutes of the treasury.

Here your Committee cannot help observing that the paying these sums amounting to 42,500*l.* over and above the 27,000*l.* originally advanced before there had been

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any disbursements on the part of the contractors, altered the nature of the contract, and rendered it much more beneficial than as it was originally proposed by the contractors themselves.

Mr. Burrel said, he did offer the half of his share to his brother, and a gentleman engaged in business with them, but they thought it too great a risk for them to run: he likewise mentioned it to another gentleman (whom he did not name) who would not accept of it, that these refusals were very early, before any thing was done in it, more than passing the contract, and that he mentioned them, to shew that he thought he had no great bargain of it. And from the examination of Mr. Burrel and Mr. Bristow, it farther appears, that some time after the making of the contract, they offered Mr. Monson, a member of this House, one fourth part of it, as far as it related to the payment of the troops in the office where he is deputy, which he accepted of, and has shared accordingly the profits of this contract from the beginning; and some time after the earl of Orford mentioned to Mr. Burrel, that Mr. Hanbury Williams had desired to speak to him, Mr. Burrel, that one of Mr. Williams's friends might have a share in the remittances, but he added, you are to do just as you please, I do not ask you to let any body in, for the contract is yours; and soon afterwards Mr. Hanbury Williams spoke to the contractors, and told them, that he had a relation, one Mr. Hanbury, a West India merchant, to whom he had obligations; and as he had money and effects at Jamaica, he desired he might be concerned one fourth part with them for the future, which he has accordingly been, in what relates to the payment of the marines in Mr. Hanbury Williams's office.

And it appears to your Committee, that neither the one nor the other of those gentlemen advanced any money, or were concerned in the management, but were to be sharers of the profit or loss only.

And it farther appears to your Committee, that on the arrival of the troops at Jamaica, and the tendering the money to them at 120*l.* Jamaica currency, great discontents were expressed by the officers, and some actually refused to receive it, and with time the discontent increased, and nothing was talked of so much among the officers of the army, as the hardship of being paid at 120*l.* when the exchange was at 140*l.* every one of them became a calculator, and complained he lost 16*l.* 6*s.* on every 100*l.* he being paid his 120*l.* Jamaica money, with 62 moidores, which is no more than 83*l.* 14*s.* sterl. all which appears by the letters of Colebroke and general Wentworth; so truly were the fears of lord Cathcart verified.

And this uneasiness among the troops was greatly increased by the peremptory refusal of the agents of Mr. Burrel and Mr. Bristow, to furnish the deputy-paymaster at Jamaica with any money upon their credit, arising, as Mr. Colebroke says in his letter of the 20th of February, 1740, from their views of appropriating the profit to themselves, and being dazzled with the prospect of getting 15 or 20 per cent. instead of 2 per cent. their commission. Upon this the deputy-paymaster took up money from other persons and gave them bills on the paymaster-general; and though there were, as appears by the extracts of letters of the deputy-paymaster, of the 20th of February, and the 23rd of March, 1740-1, combinations to distress him, yet the first bills he thus drew were at the rate of 130*l.* and he, by degrees, raised the exchange, so that at last he drew at 140*l.* whilst the troops still continued to be paid at 120*l.*

And it further appears to your Committee, that on the 5th of June, 1741, there is entered in the treasury-books the following minute:

"Mr Bristow, one of the remitters for the West-Indies, is called in, and acquaints my lords, that he and Mr. Burrel have discharged such of their factors and agents at Jamaica, as misbehaved themselves in their conduct about supplying the money for the public service there; and that as general Wentworth has applied for the troops to be paid at the rate of 125 per cent. he will take care that the remittance shall be made accordingly."

And on the 10th of July following, the commissioners of the treasury agree and order, "That Messrs. Burrel and Bristow pay the troops in America at the rate of 125*l.* Jamaica currency for 100*l.* sterl. from the 24th of April preceding."

Now your Committee observe, on this new contract, first proposed on the 5th of June, 1741, and finally regulated on the 10th of July following, that Mr. Colebrooke, the deputy-paymaster at Jamaica, did on the 24th of Feb. preceding, being 19 weeks before the settling of the said contract, draw bills on the paymaster-general to the amount of 1,250*l.* all at the

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rate of 130*l.* and did in his letter of the 23d of March before mentioned, acquaint the paymaster-general that he had happily overcome all opposition, and could assure him on good grounds that whatever money might be necessary to be raised for the service, would be found at Jamaica, for bills on the paymaster-general for 130*l.* and upwards, and this last letter is dated above ten weeks before the proposal of Mr. Burrel and Mr. Bristow, to amend their contract, and above fifteen weeks before the final acceptation of that proposal by the treasury; and it is worthy of observation that in the months of January, February, March, April and May, preceding the July in which this second contract at 125*l.* was established by the treasury, there were drawn from Jamaica, no less than 39 bills for the service of his majesty's navy, most of them at the rate of 135*l.* and the remainder at the rate of 140*l.*

And it appears to your Committee, that several bills amounting to the sum of 11,392*l.* 17*s.* were drawn on the paymaster of the marines by his deputy, between the 18th of Feb. 1740, and the 1st of August, 1741, part of which bills amounting to 5,000*l.* were drawn in the month of February, preceding the new contract; that these bills were paid by Mr. Burrel and Mr. Bristow, and that money was issued to them for that purpose by the paymaster of the marines. But, your committee have not been able to discover at what rate of exchange they were drawn, nor does it appear whether Mr. Burrel and Mr. Bristow have been allowed to take the profit arising from the difference between 120*l.* the rate of the contract, and the rate of exchange the bills were drawn at.

And it further appears to your Committee, that the bills drawn by the deputy-paymaster from Jamaica, on the paymaster-general, when the agents of Mr. Burrel and Mr. Bristow refused to supply him, amounting to the sum of 29,216*l.* 5*s.* 3*d.* and which were drawn in the months of February and March, 1740, and in April, May, June, July and August, 1741, at 130*l.* 135*l.* 137½*l.* and at last at 140*l.* were sent for payment to Mr. Burrel and Mr. Bristow, and also that money was issued from the pay office to them to discharge the said bills; although it does not appear to your committee what pretence of right the contractors could have to the profit arising from any of these bills, after the forfeiture of their bargain by the refusal of their agents to furnish the deputy-paymasters at Jamaica.

But though these bills were thus paid by Messrs. Burrel and Bristow, yet your committee find that on the 15th of December last, the paymaster-general made a representation of this matter to the treasury, praying a direction of the commissioners whether the profit or difference arising by the exchange on the said bills should be accounted for, and paid to the agents of the said contractors, or reserved in the hands of his deputy for the use and benefit of the public: and your committee find the following minute in the books of the treasury:

Whitehall, Treasury-Chamber, 29th Dec. 1741.

'Read also to my lords a memorial 'from the same paymaster, dated the 15th 'inst. relating to the remittance of pay for 'the troops in America, with respect to 'the Jamaica currency, and ordered a 'copy thereof to be sent to the remitters 'for their answer thereto.'

To which the remitters gave in their answer, in which it is remarkable, that in stating the several charges upon sending over specie to Jamaica, they make one charge in the following words; three per cent. commission we pay in Jamaica: whereas it appears by their examinations, that they paid one per cent. only to their agent, Mr. Colebrooke, for the money sent out with lord Cathcart.

This answer was received on the 5th of Feb. last, and nothing appears to have been done upon it while the earl of Orford continued in the treasury.

Your Committee have been obliged to dwell the longer upon this contract, because the whole behaviour of the earl of Orford, who had the sole direction of it, seems so extraordinary, that they fear this part of their report would want credit, if they had not descended into the most minute particulars of it.

Here they find a contract entered into upon the good faith of the proposers only, with an ignorance of the value of the exchange, whether real or affected does not appear to your committee; and that defect so far from being endeavoured to be supplied, by admitting proposals or information from any other merchants, that it seemed a determined point to shut it out, even when it seemed to obtrude itself upon him, from the very offices subject to his inspection.

But as if this injury to the troops and injustice to the nation, had been too little,

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he rendered this contract more advantageous to the contractors than their most sanguine expectation originally suggested to them.

For though by the terms of the contract the public was to advance 27,000*l.* only, in money, yet we find the further sum of 42,000*l.* advanced to them before the arrival of the troops in America.

And your Committee observe, that the shares of the profits of this contract were dealt out to the deputy of the pay-office, and to a friend of the paymaster of the marines, at the request of the said paymaster, without any advance of money or trouble on their part, and it is very remarkable that these shares were confined to the sums issued from the respective offices.

And here your Committee must observe, from the whole course of this proceeding, that neither the interest of the soldier, or the public, seemed to have been the object of the earl of Orford's attention.

The cries of the injured soldiers, who had lost one day's pay in seven, where provisions of all kinds bear an excessive price, made so little impression, that the only relief they obtained was an advance of their pay upon the contract from 120*l.* to 125*l.* though there had been drawn upon the navy-office, during the six months preceding, several bills, none at less than 135*l.* and some at 140*l.* and though the deputy to the paymaster-general likewise, 19 weeks before, had drawn upon the office at 130*l.* and 15 weeks before had written to the paymaster-general, that he might depend upon being furnished with whatever sums should be wanted at 130*l.* and upwards, nor could there be any reason to fear a disappointment, in relying upon those assurances of the deputy-paymaster, because to his care wholly it was owing, that they were not disappointed upon the refusal of the contractors' agents to furnish him with money.

Your Committee cannot but observe that the treasury, in establishing this new contract, where the contractors proposed the advance from 120*l.* to 125*l.* to commence from the 5th of June, 1741, order it with a retrospect, and to commence from the 24th of April preceding, and are greatly at a loss to find if the first contract was upon just and equal terms, why the contractors submitted to any advance at all; and if it was not upon equal terms, why the treasury did not extend their retrospect, and order it to be rectified from the commencement.

And so little was the public to avail itself of this injustice to the soldier, that when the contractors could furnish no money at all, from their agents refusing to answer their credit, and consequently the contract was dissolved, and the army must have starved, if the deputy-paymaster, who is the officer of the public, had not procured money by draughts upon the pay-office, at 130, 135, up to 140 Jamaica currency, for 100*l.* sterling; yet those very bills were suffered to be paid by the contractors, and public money issued to them to pay the same, but by whose orders does not appear to your committee; as if the profits arising from the advanced prices of those bills, drawn by a public officer upon the public, had belonged to the contractors.

And your Committee observe, that when on the 15th of December last, the paymaster prayed directions from the treasury, whether the profits on those bills should be paid to the contractors, or reserved for the benefit of the public, even that could not be obtained, while the earl of Orford remained in the treasury.

Your Committee now proceed to lay before you, the great part which the earl of Orford appears to have had in several transactions which nearly concern the freedom of elections, and the independency of parliament, and they have the greatest reason to believe, that had the persons employed in these dark transactions been properly indemnified, many discoveries would have been made of the utmost importance.

Your Committee having in their former Report laid before you the share which Mr. Paxton and Mr. Lawton had in carrying on prosecutions relating to the borough of Orford, and particularly that Lawton had declared, that he did not pretend to say he should not be re-imbursed his expences on that head, think fit now to acquaint you, that Mr. Abraham Farley being examined, said, that about January, 1736, Mr. Lawton told him there was an order made out at the treasury, in his Farley's name, for 1,200*l.* and bid him go and receive it, which he did, and paid it over immediately to the said Lawton.

And Mr. *Richard Banks*, upon his examination, said, That John Lawton, esq. of the exchequer, appeared to be his client in the prosecutions relating to Orford, though he did not know what relation Mr. Lawton had to the borough of Orford, but

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believed, that what Mr. Lawton did was to oblige sir Robert Walpole, to whom he apprehended Lawton was under obligations; that the whole Bill of near 3,000*l.* which the prosecutions amounted to, was never satisfied; that Mr. Lawton, Paxton, and he (Banks) met about it, and after a good deal of time allowed to examine the bill, they on the 15th of December, 1736, came to a stated account, when there was a balance of 1,200 and odd pounds in his (Banks's) favour, which Mr. Lawton agreed he would pay in a fortnight's time, and he did soon after pay 500*l.* to Paxton, who paid Banks 100*l.* thereof, and promised soon to pay more, the remaining 700 and odd pounds have not been yet paid; that he (Banks) did about two years ago file a bill against Paxton in chancery, to bring him to an account; that in this bill Mr. Lawton was made a defendant, and that Lawton in his answer did swear, that he detained the 700*l.* in his hands, to reimburse himself what was due to him from Paxton, and to secure the 200*l.* still unpaid to Mr. Masterman for his bill.

Mr. *Leonard Martin*, an attorney, and partner with his father-in-law, Mr. Paxton, being examined, said, that he has been concerned in several suits about the borough of Colchester, and that he had his chief directions therein from Mr. Daniel, an attorney at Colchester, though Mr. Lawton sometimes interfered, and that soon after Lawton's death, he received a letter from Daniel, that he received 133*l.* for fines, to which the prosecutors were entitled, that he believed he advised with Lawton about framing a petition to the treasury for the king's remaining two thirds of the fine, that Lawton (who seemed very desirous of success in the affair of that corporation) approved of it, and he believed Lawton might say he would speak about it, that he (Martin) thereon drew the draught of a petition, and sent it to Daniel to get signed, and on its return he procured a warrant from the treasury, directing Paxton to pay him 280*l.* that the warrant was dated the 10th of July, 1741, and that he received the money on the 26th of January last, and did imagine these prosecutions were with a view of influencing the election, and to turn the borough, and to get out the mayor, and get the returning officer.

By all this it appears that the management of this affair was lodged in the hands of Paxton's partner and son-in-law, and the expences attending it were in part paid by the said Paxton in consequence of a warrant of the treasury. But though your committee here met with a fresh instance of the solicitor of the treasury intermeddling in matters relating to elections, yet they did not think fit to examine him again, having little reason to expect he would make any discoveries after the other House had rejected the Bill by which he would have been indemnified. And your committee cannot determine what could induce the earl of Orford to continue Paxton in his office upwards of 11 years, and to suffer him to defer accounting for any part of the large sums, which were from time to time issued to him till the 9th of February last, and then to account for two years only in so precipitate a manner, but must submit to the judgment of this House, whether that indulgence was owing to a criminal neglect, or to a more criminal confederacy.

Your Committee now proceed to lay before you a transaction relating to the borough of Weymouth.

Mr. *Richard Jordan* being examined, said, That he was mayor of Weymouth and Melcomb Regis in the year 1740. That on the 16th day of June, in that year, Mr. Pearse and Mr. Olmius came down to Weymouth; that Mr. Pearse applied to him (Jordan) and desired his vote and interest for himself and Mr. Olmius, and two others *in petto*, whom he did not name; and told him at the same time, that there would be a letter produced, obliging him and all the officers in the service to vote for Mr. Pearse and his friends. That then Mr. Pearse desired him to go with him in private: that when they were alone Mr. Pearse said he was desirous to have the corporation filled up, and that a Hall should be called for that purpose. And he further requested, that he (Jordan) would meet him (Mr. Olmius) and some other friends; but Mr. Jordan refused to meet Mr. Olmius; and then Mr. Pearse left him. That on the 18th of June, Mr. Pearse came to his house about noon, and told him, that if he would come into the measures of him (Pearse) and his friends, and fill up the corporation, in order to have a returning-officer, or words to that effect, he had it in commission to say, that he (Jordan) should have the collection of the port of Weymouth in a month's time, and a letter from sir Robert Walpole, under his own hand, to make good that



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promise. Mr. Pearse then went from his house, and returned about four of the clock of the same day, and brought to him a list of such of the revenue officers as were to be displaced. He took this list, which was wrote in Pearse's own hand, and read it over; and after Mr. Pearse was gone, he wrote it down from his own memory. And it appeared to your committee, by this and the subsequent examinations, that several of the persons therein named were displaced accordingly. And Mr. Jordan farther said, that on the same day, as he thinks, Mr. Pearse told him he did not doubt of prevailing on Mr. Charles Taver and Mr. John Carswell, who were aldermen, and others, that he should wait upon them and convince them that they were going against their own interests, the interest of the government, and their duty to his majesty; and again pressed him (Jordan) to fill up six of the vacancies with friends of his (Pearse's) who are most of them since provided for. That he farther told Jordan, that if he was sure of the returning-officer, sir Robert Walpole would send down two other candidates. That Mr. Pearse soon after went to London, but returned to Weymouth on the 30th of June, and sent a message to him (Jordan) by Mr. Richard Arbuthnot, desiring to speak with him at captain Tizzard's; but he (Jordan) told the messenger, that Mr. Pearse knew very well where he lived, and he should not go to the captain's house. That the messenger replied, Mr. Pearse had a letter from sir Robert Walpole to shew him. That when Mr. Arbuthnot found that he would not go to Mr. Pearse at captain Tizzard's, he told him he would go and fetch the letter, and accordingly went and brought the letter, which he (Jordan) read, and took it to be addressed to Mr. Pearse; the purport of which was, that whatever Mr. Pearse promised to him (Jordan) sir Robert Walpole would make it good; and that Jordan's brother-in-law, Mr. Franklin, a clergyman, should have the first living that fell, in the gift of the crown or the seals, worth his acceptance. That with much persuasion he did meet Mr. Pearse at Mr. Tizzard's summer-house: That Mr. Pearse there shewed him this letter again, and told him it was sir Robert Walpole's letter, that it was signed R. Walpole, and he apprehends it was all wrote in the same hand with the signing. That at this meeting Mr. Pearse told him, you have four aldermen now absent, I would have you call a hall and fill up the corporation: that he replied, he thought Mr. Pearse had been long enough acquainted with him to think that he would not be prevailed upon by base means to betray his friends. And he further said, that on the 19th of September, in the same year, being two days before the election for mayor came on, a letter was produced to him from the commissioners of the customs, importing, that his deputation as a land-waiter was superseded, and Robert the brother of Richard Arbuthnot, who first brought sir Robert Walpole's letter to him, was to succeed him; and he said he had been employed in the custom-house ever since the year 1712, and had been land-waiter in the port of Weymouth from the 4th of May, 1729, to the time of his dismission.

The Reverend Mr. *Franklyn* being examined, said, that on the 1st of July, 1740, Mr. Pearse being then at Weymouth, sent for him to shew him, as he said, how much he had his (Franklyn's) interest at heart; but that he was sorry to tell him he was afraid his brother Jordan would spoil all his endeavours to serve him, for that Mr. Jordan had promised to come into his (Pearse's) measures, but now attempted to evade his promise; but, however, Mr. Pearse, to convince him what a friend he intended to have been to him, shewed him a letter, which was signed R. Walpole; the purport of which was, "You have given me so good a character of Mr. Jordan, that whatever preferment you shall think reasonable to offer him, shall be made good: and as for his brother in law, Mr. Franklyn, he shall have the first living that he will accept of which falls in the gift of the crown, or the seals." That Mr. Pearse, at the same time, told him, that he expected his brother Jordan would call a hall and fill up the corporation; which he (Franklyn) took to be to get a returning-officer. And Mr. Pearse said, since his brother Jordan had refused him, he had nothing to trust to unless he (Franklyn) could influence him; that he told Mr. Pearse, he did not like the affair and would not meddle with it, and Mr. Pearse then replied, if fair means would not do, foul must: and he thought Mr. Pearse explained what he meant by foul means, for he said he must have at their charter: and he thinks their charter has been since attacked; for three months after Mr. Pearse attempted to set up a mayor in a manner contrary to the usual custom of the place, and Mr. Pearse's friends have filed several

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informations in the king's bench against the corporation.

*Thomas Pearse*, esq. being examined, said, that some time before the last general election, Mr. Joyeux of Weymouth was sent up to London by his (Pearse's) friends, with a scheme for the removal and promotion of several officers of the revenue at the port of Weymouth, without which alterations, though he (Pearse) himself might be chose at the general election, yet it was impracticable to carry all the four members. Part of this scheme was to remove William Clapcott, esq. from being governor of Portland Castle, and Mr. Richard Tucker from being receiver of the hawkers and pedlars, and surveyor of the king's quarries in Portland; which last, with the salary of 500*l.* per annum, and 40*l.* for a clerk, was to be divided between Mr. Tizzard, the then collector, and Mr. Bryor, which alterations took place; that Mr. Olmius generally transacted with sir Robert Walpole every thing about the election; that he (Pearse) apprehended that all the removes that were to be made were with a view to influence the election; and Mr. Olmius and he went together to sir Robert Walpole to consult on measures for carrying on the election, but he believes that the scheme was not shewed sir Robert Walpole but only talked over with him. He further said, that when he was at Weymouth in the summer 1740, he was told by Mr. Jordan, the then mayor, if he was made collector in the room of Mr. Tizzard, that he would fill up the corporation in order to choose a returning officer against the general election; but that he (Jordan) would not think of doing any such thing unless he saw a letter of it under sir Robert Walpole's own hand: that when he came to London he did acquaint sir Robert with the desire of Mr. Jordan, and he (Pearse) had a letter from him, the purport of which was, that whatever friends Mr. Pearse should recommend, he (sir Robert Walpole) would endeavour to provide for: that he is well acquainted with sir Robert Walpole's hand, and believes the letter to be of his writing: that Mr. Franklyn, a clergyman, brother-in-law to Mr. Jordan, was particularly mentioned in the letter; sir Robert Walpole saying he would use his endeavour to get him any living that should become vacant in the gift of the crown, or of the lord chancellor: that he (Pearse) returned with this letter to Weymouth, and did shew it to Mr. Franklyn, and he believes to Mr. Jordan, and he thinks it was in a conversation he had with Mr. Jordan in Mr. Tizzard's summer-house; but that Mr. Jordan flew from the proposal, saying, employments might be given one day, and taken away the next; which much surprised him, and in a day or two he quitted the borough and came to London: that he did not know but after the election was over he might say to Mr. Franklyn, Have at your charter: that he did not know what was become of sir Robert Walpole's letter, but he believed he has since burned it. That when he returned from Weymouth, after Mr. Jordan's refusal, he called on sir Robert Walpole, and told him he had been disappointed in his scheme; that sir Robert encouraged him to proceed, and he was told by Mr. Olmius, that sir Robert Walpole had recommended to him (Olmius) Mr. Cholmondeley and Mr. Plummer, to join with him (Olmius) and that he (Pearse) did join with them.

*John Olmius*, esq. being examined, said, That there was a rough scheme of alteration in the officers of the revenue at Weymouth, which was talked over at Mr. Pearse's, and was intended to facilitate the election at Weymouth: that the persons who were mentioned to be advanced had all interest in Weymouth; that he and Mr. Pearse were with sir Robert Walpole to desire that the surveyor's place might be given to Mr. Tizzard and Mr. Bryor, but he does not recollect if the whole scheme was shewed to sir Robt. Walpole or no; nor can he recollect sir Robert Walpole's answer about the scheme; but sir Robert Walpole was very slow in promoting Tizzard and Bryor: that Mr. Olmius had an old servant whom he wanted to provide for, and he told Mr. Tizzard and Mr. Bryor that, as he had so much trouble to get them the place, he expected they should give his servant 50*l.* per annum, which they agreed to, but it has not yet been paid, for they have not as yet received their own salaries: that sir Robert Walpole said one day to this examinant, that colonel Cholmondeley and Mr. Plummer were very good men, on which Mr. Olmius said, he would give them all the interest he could.

Your Committee find that though these endeavours of the earl of Orford to influence the voters of Weymouth, and to procure a proper returning officer by thus placing and displacing the officers of the revenue, did at that time prove ineffectual;

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yet just before the election came on, another attempt was made of the same nature, though with as little success as before.

For Mr. *Ezekiel Pomeroy*, chief clerk to the clerk of the cheque at Deptford, being examined, said, That on or about Monday the 27th of April 1741, eight or ten days before the Weymouth election came on, the reverend Mr. Morgan came to his house at Deptford, between five and six o'clock in the morning, and asked him if he was willing to go on a particular message to Mr. Tucker at Weymouth, which would be of singular service to Mr. Tucker as well as to him (Pomeroy); that he answered, he was willing to do any thing which could be of any service either to Mr. Tucker or himself, but that he must have leave to be absent from duty: Mr. Morgan told him he was going to town to wait on sir Robert Walpole, and he would return as soon as possible; and about two o'clock in the afternoon of the same day Morgan returned to him again, and told him he had got leave for him, for sir Robert Walpole had written a letter to sir Jacob Ackworth for leave, that sir Robert had enquired much of Morgan who Pomeroy was, and if he might be safely depended on; and that Morgan said he had answered to sir Robert Walpole for his fidelity; and between three and four o'clock in the afternoon of the same day, he (Pomeroy) came to town with Morgan, who carried him to the Crown tavern behind the Exchange, where they met Mr. Olmius, and they three dined together; and after dinner Mr. Olmius told him (Pomeroy) that he found by Mr. Morgan he was willing to go on a message to Mr. Tucker; he (Pomeroy) then asked him, what the message was, and Mr. Olmius told him, if he would go down to Mr. Tucker, and tell him that if he would but agree to take him, (Olmius) Mr. Pearse, and another friend who was not mentioned, he (Olmius) was commissioned by sir Robert Walpole, to assure him (Tucker) that every friend of his that had been displaced, should have their places again, or any others that Mr. Tucker should please to ask; and as for Mr. Tucker himself, he should have any thing he would be pleased to ask, and that if he (Tucker) doubted of the veracity of the message, and either he or his brother would come to town, they should be fully satisfied of the truth of it; and that he (Pomeroy) was not to communicate this message to any persons, but to the Tuckers, and his (Pomeroy's) father, who had been postmaster, but was then out; upon this he observed to Mr. Olmius, that Mr. Pearse, who was his patron, was then in Dorsetshire, that he would wonder to see him, and would ask him questions; and he desired to know if he might be at liberty to acquaint him (Pearse) with the message. On this Mr. Olmius said he would write to Mr. Pearse, and he did write a letter to him, which he gave unsealed to him, (Pomeroy) who read it two or three times, and it was in substance as follows:

'Sir, Mr. Pomeroy comes on a special 'message from our good friend S. R. W.' (which he, Pomeroy, said he understood to mean sir Robert Walpole) 'which mes- 'sage he is not to communicate to any 'body, but those to whom he is sent, 'therefore ask him no questions; but be 'assured that nothing shall be done or 'transacted but what shall be for your in- 'terest, as well as for that of your humble 'servant, JOHN OLMIUS.'

In consequence of this, he (Pomeroy) set out post the next morning, which was on Tuesday, for Weymouth, and arrived there on Wednesday at nine in the morning; that he waited on Mr. Tucker, and found him and his brother both together; he told them the particulars of the message from Mr. Olmius, and he was answered by Mr. Tucker, that a proposal of that kind was absolutely too late, that his word and honour was engaged, and he would not go from it for any consideration. He farther said, that Mr. Tucker asked him if he had brought any letter from sir Robert Walpole, to which he said, No. He farther said, that Mr. Morgan and Mr. Olmius had often told him, that if Mr. Tucker and his friends refused to agree with Mr Olmius, and join their interest to his, it would be the total ruin of Mr. Tucker and his brother, and the overthrow of the charter.

*John Olmius*, esq. being again examined, and not recollecting several things which had been mentioned by Mr. Pomeroy, Mr. Pomeroy was called in, and he repeated the same evidence which he had before given, and the minutes taken by the clerk of that evidence were also read in the presence of Mr. Olmius, who then recollecting himself confirmed the same: And further said, that he did communicate to sir Robert Walpole his intention to send a message to Mr. Tucker; that he told him he had got Mr. Pomeroy, who was a rela-

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tion of Mr. Tucker's, to go down to use his interest with him; that sir Robert said, by all means do. That he told sir Robert Walpole that if Mr. Tucker came to town, in consequence thereof, his (sir Robert's) assistance would be necessary for the replacing of Mr. Tucker's friends; that sir Robert Walpole said, it was a very good thought, that he would do every thing that lay in his power to serve him and his friends; and that this was the substance of what passed between them.

The Rev. Mr. *John Morgan* being examined, and not readily recollecting some circumstances mentioned by Mr. Pomeroy, he was ordered to attend the committee with Mr. Pomeroy, who then repeating what he (Pomeroy) formerly said on his examination, Mr. Morgan did then agree, that the principal part of what he (Pomeroy) asserted to have passed between them, was true; and further and particularly said, that sir Robert Walpole did write a letter in his presence to one of the commissioners of the navy, for leave for Pomeroy to be absent, which letter he (Morgan) carried to sir Jacob Ackworth.

To such notorious attacks as these upon the freedom of elections, your committee apprehend, are owing the great, and possibly unwarrantable expences that particular persons may have been drove to engage in. Some expences the laws allow, by regulating the manner of them; and those who engage in illicit expences, are subject to heavy penal laws, but there are none particularly adapted to the case of a minister who clandestinely employs the money of the public, and the whole power and profitable employments that attend the collecting and disposing of it, against the people; and by this profusion and criminal distribution of offices, in some measure justifies the expence that particular persons are obliged to be at, by making it necessary to the preservation of all that is valuable to a free nation. For in that case the contest is plain and visible. It is, whether the Commons shall retain the third state in their own hands, whilst this whole dispute is carried on at the expence of the people; but on the side of the minister, out of the money granted to support and secure the constitutional independency of the three branches of the legislature.

This method of corruption is as sure, and therefore your committee apprehends as criminal a way of subverting the constitution, as by an armed force. It is a crime productive of a total destruction of the very being of this government; and is so high and unnatural, that nothing but the powers of parliament reach it; and as it can never meet with parliamentary animadversions, but when it is unsuccessful, it must seek for its security in the extent and efficacy of the mischief it produces; and therefore your committee apprehend it is the more necessary for your consideration, for while it wants of success, it leaves an opportunity to preserve and maintain your independency for the future.

Your Committee now proceed to lay before you the conduct of the earl of Orford, with relation to the quantity and manner of issuing and receiving that part of the public money, granted for the support of the civil government, which has been employed in what is commonly called Secret Services.

Your Committee, having been informed that this money had been issued under three different denominations, called for an account of all the sums issued for secret service, or for his majesty's immediate or special service, (the money issued to his majesty's privy purse excepted) or to reimburse expences during the last ten years in which Robert earl of Orford was first commissioner of the treasury, &c. And the account having been laid before them from the auditor of the exchequer's office, there appeared to be issued under these three heads only, including the annual sum of 3,000*l.* paid to each of the secretaries of state for secret services, the sum of 1,453,400*l.* 6*s.* 3*d.*

The issuing such an immense part of the money, given for the support of the civil government, to these particular uses, during a time of profound tranquillity till the late rupture with Spain, greatly alarmed your committee, and put them upon examining what sums had been issued for the same services in a former period of the like number of years. And your committee beg leave to represent to you that exorbitant as this sum may seem, they would have suppressed this part of their report, if by the comparison they had entered upon, they could any ways have reconciled their silence upon this head, to their duty to this House, and the nation; and your committee hope, that the period they have pitched upon, will evince the truth of this intention, as it comprehends a general and most expensive war abroad, a demise of the crown, the happy establish-

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ment of the present royal family upon the throne, and an open and dangerous rebellion at home; in short, every event that can happen to justify extraordinary expences in carrying on the business of government. And it is not easy to express the surprize of your committee, when they found by the account laid before them, that from the 1st day of August, 1707, to the 1st day of August 1717, there was issued under the aforesaid heads, no more than the sum of 337,960*l.* 4*s.* 5*d.* halfpenny.

Your Committee, observing that the solicitors of the treasury for the time being, are the only persons to whom any of these sums have been issued that are accountable for the same; and there having been issued to Mr. Paxton, the present solicitor, 68,800*l.* in the last ten years, in which the earl of Orford was first commissioner of the treasury, and the sum of 58,516*l.* 2*s.* 10*d.* to Mr. Borret, and Mr. Cratcherode successively solicitors, between the 1st of August, 1707, and the 1st of August, 1717. These sums substracted from their respective totals, the remainder will be 1,384,600*l.* 6*s.* 3*d.* issued for secret services, during the last ten years, and 279,444*l.* 1*s.* 7*d.* half-penny, issued for the like services from the year 1707 to the year 1717; by which it appears, that the sum expended on these services during the last ten years, amounts to near five times as much as what was expended for the same services in the ten years ending the 1st of August, 1717; and your committee cannot see that any exigency of affairs, any diminution of the national debt, or accession of wealth to the nation, has happened to justify such profusion.

And though your Committee very well apprehend, that no form of government can subsist, without a power of employing public money for services, which are in their nature, secret, and ought always to remain so; yet when such exorbitant sums are issued for those services, as by passing through the hands of a minister may become dangerous to the liberties of the people, your committee thought themselves indispensably obliged to lay it before you in all the lights which the very imperfect evidence they have been able to procure, can throw upon this nice and dangerous branch of service.

Your Committee now proceed to lay before you the proofs that the money issued under the three heads of secret service, of special service, and to reimburse expences, were understood to mean one and the same thing.

*Christopher Tilson*, esq. a clerk in the treasury, and who came into that office in the year 1684, said on his examination, That he looked on all these monies to be of the same nature; that they are all without account except as to what relates to the solicitor of the treasury, nor is there any entry in the treasury of the application of any of these sums of money.

*John Shepherd*, a deputy-messenger of the treasury, who has received very large sums under each of these three heads, being examined, said, That the warrants upon which he received money at the exchequer under any of these three heads, whether in his own name, or in the name of other persons, were all without account, and that he made no distinction, whether the orders were for special, or secret service, or to reimburse expences.

But your Committee observe, that all the money issued under the head of secret service, is issued in the name of John Scrope, esq. secretary of the treasury, but the orders for the sums which were issued under the heads of special service or to reimburse expences, are payable to Mr. Lowther, Mr. Richards, and Mr. Shepherd, messengers of the exchequer, and to a great variety of other names, for which sums no receipts appear to have been given; but none of those to whose names these orders are payable, under either of these three heads, appear to have any interest in the sums thus issued.

And your Committee have the greatest reason to believe that many of the orders for this money were issued unknown to the persons to whom they were made payable; for Mr. George Campbell, banker, in the Strand, did, on his examination before the committee declare, That he was desired by the earl of Ilay, to go to the treasury, and take up an order which he would there find issued in his own name, and to carry it to the earl of Orford; that he accordingly went to the treasury, where he received from one of the clerks an order for the sum of 2,231*l.* 4*s.* 6*d.* for special service; that he carried this order to the earl of Orford, and indorsed it; and then the said earl desired the examinant to leave it for him at the treasury; that he accordingly did leave it at the treasury with Mr. Lowe, one of the clerks; that being at the treasury about some other affairs, in February last, he acci-

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dentally saw an order that was made out in his name for a sum of money, which he believes had been signed two or three days before, but that he had no notice from the earl of Ilay, or any other person that such an order would be made out in his name.

And Mr. *Abraham Farley* being examined in relation to an order in his name for 1,200*l.* said, That about the month of January, 1736, Mr. Lawton told him that there was an order made out in his name, and bid him go and receive it; that he did receive it, but not for his own use, for he paid it over immediately to Mr. Lawton, and that he did not know what Lawton did with it, nor did he (Farley) know that any such order was made out, till Mr. Lawton told him of it, and sent him receive it.

And Mr. *Edward Bryant*, formerly under door-keeper to the treasury, now messenger, being examined before the committee, in relation to two orders, one for 3,961*l.* 6*s.* 8*d.* and the other for 2,700*l.* which were issued in his name, said, That Mr. Tilson called him to indorse those orders, which he accordingly did, and then gave them to Mr. Tilson; and that this is all that he knew about it, for he never did receive the money for those, or for any other orders at the exchequer, nor does he know who did.

And your Committee also observe, that there have been a great number of other orders, which do not appear to have been communicated to the persons whose names were made use of therein (if any such persons there were) although their names were indorsed on the back of the respective orders, as having received the amount of the sums therein specified; for a list of persons in whose names money was issued during the term of the enquiry, lying before the committee, many of these names were read over to Mr. Tilson, Mr. Fane, and Mr. Shepherd, and they all declared they knew no such persons, though Mr. Shepherd in particular had received money on many of those orders, and said he has wondered he never saw the persons who endorsed for large sums. And though neither Mr. Tilson, Mr. Fane, nor Mr. Shepherd knew who these orders were indorsed by, yet Mr. Fane said, That such orders where the persons were not known, have been sometimes taken away by the earl of Orford, and other lords of the treasury, to be indorsed; and that they have often been sent away to be indorsed, and when they were thus sent away, it was generally to the earl of Orford.

In the next place your Committee lay before you, That though they have the greatest reason to believe, that the whole sum of 1,384,600*l.* 6*s.* 3*d.* (excepting the annual allowance to the secretaries of state for secret service) was under the sole direction and disposition of the earl of Orford; yet in order to proceed with the utmost care and caution, they think it becomes them to distinguish to the House those sums which they can trace into the hands of particular persons, from those which were evidently lodged with the said earl, or with Mr. Scrope, secretary to the treasury, and which your committee have the strongest reason to believe, from collateral proofs, (having not been able to obtain the direct ones) were delivered over by Mr. Scrope to the said earl.

And they begin with Mr. Lowther, to whom the sum of 177,610*l.* 11*s.* 6*d.* has been issued within the term of the enquiry, which has been disposed of by him, from time to time, pursuant to minutes of the treasury, and he has paid in that interval no less a sum than 50,077*l.* 18*s.* to authors and printers of news-papers, such as "Free-Briton, Daily-Courants, Persuasives to Candour and Impartiality, Corncutter's-Journal, Gazetteers," and other political papers. And your committee leave it to the judgment of the House, whether this particular sum was less under the direction of the earl of Orford than if it had passed through his own hands.

The next sum to be ranged under this head is a sum of 30,119*l.* 4*s.* which has been paid to Mr. Middleton, banker in the Strand, on the earl of Ilay's account, being 27,769*l.* 4*s.* issued in his own name, and 2,350*l.* paid him by Shepherd. Mr. Middleton being examined, said, that all the sums issued in his own name, and what was paid him by Shepherd, was received by him on the earl of Ilay's account, out of which about 1,500*l.* was paid for fees: that the earl of Ilay has kept cash with him for several years; and that he keeps no account of these sums of money distinct from his general cash account with the earl of Ilay, and that these sums were drawn out of his hands in the same manner with the rest of the earl of Ilay's private money. That perhaps 5 or 6,000*l.* per annum of the earl of Ilay's money may have passed through this examinant's hands; that this examinant cannot charge his memory that any large sums were

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drawn out at any time, except for purchases and buying of India bonds; nor has this examinant remitted any money into Scotland for lord Ilay, nor does he remember that lord Ilay has drawn on him from Scotland, for more than one sum, which was about 400*l.* payable to a merchant; nor did any persons come to him for money, according to the best of his memory, but servants and tradesmen.

In the next place, your Committee lay before you an account of a sum issued for his majesty's service, which though in itself not considerable enough to deserve the attention of the House, yet is accompanied with such circumstances as make it their indispensible duty to take particular notice of it.

For Mr. *John Lever*, high bailiff of the city of Westminster, having incurred the displeasure of this House, by acting at the general election in an illegal and arbitrary manner, in prejudice of the rights and liberty of the electors of the said city, and in manifest violation of the freedom of elections; and being in custody of the serjeant at arms attending this House for the said offence, your committee find that 1,500*l.* issued under the head of money to reimburse expences for his majesty's service, was (during his being in custody) applied to the use of the said Lever; for John Shepherd said, that Mr. Scrope sent for him and pulled out of his pocket an order for 1,500*l.* which was in his (Shepherd's) name, and told him he must carry it to sir Charles Wager and endorse it, and leave it with sir Charles; that he went accordingly to sir Charles, took the order of him again, passed it as usual, and received the money, and delivered the 1,500*l.* nett money, into sir Charles's own hand. And Francis Gashry, esq. a member of this House, being examined, said, that sir Charles Wager told him, that he was in expectation of getting some money for Mr. Lever, the high-bailiff of Westminster. And when he (Gashry) one day returned from the navy-board, sir Charles told him, that in his absence 1,500*l.* had been brought him by one of the treasury, and sir Charles desired him to take the money and pay it to Mr. Lever; and that he received the 1,500*l.* from sir Charles the 2d of January last, and has since paid it to the use of the said Lever.

Besides these sums there are two other sums of 428*l.* 12*s.* and 2,110*l.* 18*s.* to be added to this account, issued to Mr. Le Heup, which he said were to answer bills drawn from abroad. These sums already mentioned, together with the money issued to the secretaries of state for secret service, are all the money which your committee has been able to trace into the hands of particular persons, and amount in the whole to the sum of 271,769*l.* 0*s.* 6*d.* and this being taken from the sum of 1,384,600*l.* 6*s.* 3*d.* the whole issued under the three heads for secret service, there remains the sum of 1,112,831*l.* 5*s.* 9*d.* which sum your committee conceive they have traced more immediately into the hands of the earl of Orford or Mr. Scrope, and do now proceed to lay the proofs thereof before you, as also the circumstances which induced them to believe that whatever sums were paid into the hands of Mr. Scrope, were by him paid over to the earl of Orford.

They first observe that this last sum of 1,112,831*l.* 5*s.* 9*d.* hath either been issued under the head of secret service in the name of Mr. Scrope, or under the heads of special service, and to reimburse expences in the names of Richards, Shepherd, and others, the greatest part of which hath been received at the exchequer by Shepherd or his predecessor Richards.

For *John Shepherd* being examined said, That he has received at the exchequer several sums of money by orders made out in his own name, and other sums by orders made out in the name of persons unknown to him; and that he has generally received the secret service money which is in Mr. Scrope's name: that the orders for these sums were generally given to him by Mr. Fane, or Mr. Scrope, and sometimes by Mr. Tilson, or an under clerk, but chiefly by Mr. Fane; and that he usually repaid the money when he had received it, to those from whom he received the order, unless they particularly directed him to pay it to other persons; and that all his warrants were without account; and he made no distinction whether the orders were in his own name or Mr. Scrope's, or in unknown names; nor whether for special or secret service, or to reimburse expences: that he has sometimes paid money which he has thus received to the earl of Orford; and this has sometimes been the secret service money which is in Mr. Scrope's name, amounting to 5, 6, 7, or 8,000*l.* at a time; and that he has paid him likewise money that was issued in his (Shepherd's) name, but that he has not made these payments often; and that what he had been employed in had been

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formerly done by Mr. Richards, but when Mr. Richards died it was put on him (Shepherd.)

Mr. *Tilson* being examined said, That he has had secret service-money brought to him, but that he never did receive any money at the exchequer himself, Shepherd always brought it to him; but that he has always delivered all monies he has received, whether for secret service, special service, or to reimburse expences, to Mr. Fane, Mr. Scrope, or the earl of Orford: that he has, to be sure, paid very considerable sums of secret service-money to the earl of Orford, but has no way of ascertaining by book what he has paid, the transition was so quick.

*Henry Fane*, esq. a clerk of the treasury, said, That he has received verbal orders from the earl of Orford to prepare warrants for the king to sign, and to bring to him, the said earl, the money. That sums of money for secret service have been frequently put into his hands, which were sometimes brought him by a messenger; and that he delivered this money either to the earl of Orford himself, or to Mr. Scrope, to carry it to the said earl. That when he gave it to Mr. Scrope it was for him to carry to the earl of Orford, and he believes all such sums came into the said earl's hands, excepting some trifling sums of 40 or 50*l.* which he has paid to others. That he has paid many sums to the said earl, but kept no account; nor could he recollect the particular sums he has thus paid. That what he has received and paid, and what he has acted in these affairs was by the said earl of Orford's directions, either from himself or signified to him by Mr. Scrope; and he does not know that any other lord of the treasury has ever given him directions for either receiving or paying any secret service-money.

And he farther said, That the orders he has received to prepare warrants upon the three heads of secret service, special service, or to reimburse expences for his majesty's service, have been either directly from lord Orford himself, or from other persons who signified to him that those orders were from lord Orford.

Your Committee next observe, that the sum issued in Mr. Scrope's name for secret service, during the time of the enquiry, amounts to 815,819*l.* 5*s.* 2*d.* And there has been issued in the name of Shepherd, within the same time, exclusive of what he paid to Mr. Middleton, and sir Charles Wager, the sum of 78,633*l.* 14*s.* 2*d.* and in the name of Richards, 45,546*l.* 18*s.* 6*d.* and out of 32 orders in various names, which the committee called for, 26 of them, amounting to the sum of 119,211*l.* 8*s.* 4*d.* appear to have been received by Shepherd; for he said he always signed them on the back, as a witness, when they were not in his own name. These sums, thus issued in the names of Mr. Scrope, Shepherd, Richards, and of other persons received by Shepherd, amount in the whole to 1,059,211*l.* 6*s.* 2*d.* And this sum your committee think they have traced into the hands of the earl of Orford, or Mr. Scrope, who, Mr. Fane believes, carried all he received to the said earl. There is still wanting to make up the sum of 1,112,831*l.* 5*s.* 9*d.* the sum of 53,619*l.* 19*s.* 7*d.* And this last sum hath been issued by orders, six of which, amounting to 23,650*l.* were in names not known, and witnessed by persons belonging to the treasury, though not by Shepherd; and the remainder were generally for such small sums, that your committee did not think it necessary to enter into a more minute examination about them.

It farther appears to your committee, that besides the sum of 1,453,400*l.* 6*s.* 3*d.* already mentioned, there has been paid in the ten years preceding the 10th of February last, the sum of 45,675*l.* without account to the society of the post-office for the time being, by virtue of a warrant from the treasury; and this for a service formerly inconsiderable. Your committee find, by papers laid before them, that the first payment of this kind was in the year 1718, and amounted to 446*l.* 2*s.* 0*d.* and the succeeding payments for some years were about 750*l.* per annum, from whence it has gradually increased to 4,700*l.* the present annual allowance; and the present secretary, John David Barbutt, esq. being examined as to this allowance, said, That the greatest part of this money is for defraying the expence of a private office for the inspecting foreign correspondence; that he cannot say as to the first establishment of this office, having been but three years and an half in the post-office; but he apprehends there was always an office of this kind, and that it was defrayed formerly by the secretaries of the state. The establishment in this office seemed so extraordinary to your committee, that they have added the particulars, as contained in the examination of Mr. Barbutt, hereunto annexed. Your committee can-



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not but observe, that this method of giving warrants for money, without account, on the offices, where any part of the civil list revenue is received, is highly irregular, as it tends to disguise the sums issued for secret service, and may conceal the amount of the revenue itself; for if the sums paid by such warrants are deducted from the receipt of the revenue before it is accounted for, and the balance only paid into the exchequer, the revenue must appear to be less by so much as the deductions amount to.

Your Committee now proceed to lay before you the last transactions of the earl of Orford, as first commissioner of the treasury; by which it will appear that besides the vast sums they have already mentioned, he not only exhausted the remains of the public treasure, which his former profusion had left in the exchequer, but even presumed to anticipate the revenues of his majesty's civil-list for a considerable sum, and by altering the regular course of exchequer-payments, did avail himself of that anticipation, and got a large sum of money into his own hands, disguised under three different orders. For on the 9th of February last, which was but two days before he quitted his employments, orders were signed by him for the payment of 23,641*l.* 7*s.* 6*d.* for secret service, and to reimburse expences, besides two other orders payable out of the civil-list revenues, which he signed on the same day, for 5,047*l.* 16*s.* 3*d.*¼, there being then other orders in the said revenue, standing out and uncomplied with; for the sum of 1,562*l.* 9*s.* 8*d.* amounting in the whole to the sum of 30,257*l.* 12*s.* 11*d.*¼, notwithstanding, that on that day there was but 14,284*l.* 17*s.* 0*d.*¼ in the exchequer, applicable to the uses of his majesty's civil government, as appeared to your committee, by a state laid before them of the cash of the civil-list revenues, on that day; and in order to shew the irregularity which the said earl was guilty of in the course of this affair, it is necessary to lay before the House an account of the regular course of payment at the exchequer.

*John Shepherd* being examined, said, that the course of receiving money in the exchequer, is thus: The king issues his sign manual for a certain sum, which is countersigned by the lords of the treasury, and thereon the lords of the treasury direct a warrant, signed by them to the auditor of the exchequer, who on the receipt of it makes out an order, signifying that order is taken that payment shall be made; this order is sent to the treasury, and signed by the lords, and then one of the secretaries of the treasury signs a letter to the auditor, directing the money to be issued when the before-mentioned sign manual, warrant, and order, are produced; that these instruments, together with the letter, are carried to the auditor, who directs the payment of the order to one of the tellers, and then sends it to the clerk of the pells, in order to its being recorded, but keeps the sign manual and the warrant till the next morning, when upon applying to him he delivers them up to the person who is to receive the money, who carries them to the clerk of the pells, where they are compared with the order, and then the clerk of the pells writes them upon the order, under the auditor's direction, Recorded such a day: then the order being carried to the tellers, the money is paid.

By this it appears that according to the regular course of the exchequer, there must be many steps through the different offices between the issuing of the warrant and the receipt of the money from the tellers, which were not observed in the case of the sum, which the earl of Orford did, on the 9th of February, get into his own hands; for it appears, that this sum was received in consequence of two warrants, issued in the name of Mr. Scrope, for secret services, one for 8,442*l.* and the other for 5,969*l.* and one other warrant, issued in the name of Shepherd for special service, for 3,050*l.* and was paid to the earl of Orford on the very day the warrants were signed by him the said earl. This was effected by depositing the orders with the bank-officer at the exchequer, before they were properly directed by the auditor, for Mr. Matthew Collet, the principal bank-clerk, who attends at the exchequer, being examined, said, that he paid the money for those orders to Mr. Fane, on Tuesday the 9th of February last, that the orders were not directed by the auditor, till the 11th of February following, and he did not receive the sums for those orders at the exchequer, till the 17th; and Mr. Fane being examined, said, that he received on the 9th of February last the three sums of 8,442*l.* of 5,969*l.* and 3,050*l.* as secret service money. That it was from the bank-officer that he received this money, and left the orders with him, and that the same day between the hours of 11 and 1, he paid them altogether in one payment to the earl of Orford in his closet

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at his house in Downing-street; that he took his directions from the said earl, to prepare the warrants for these three sums, and was at the same time ordered to bring the money to him; and he being again farther examined, said, that on the Thursday preceding the earl of Orford's resignation of his employments, being the 4th of February, Mr. Scrope ordered Mr. Fane, to draw a warrant for a pension of 4,000*l.* per annum to the lord Orford, during the joint lives of the king, and of the earl, which he accordingly did, and gave it to Mr. Scrope, who returned it him the next day, and said, the earl of Orford had perused it, and approved of it with some immaterial alterations; and when it was wrote over fair, Mr. Scrope took it again, and as Mr. Fane believes, left it with the earl of Orford.

It appears to your Committee, that one of the orders signed by the said earl, on the 9th of February, was for 2,000*l.* payable to major Forth, under the head of reimbursing expences for his majesty's service.

And Major *Forth* being examined, said, That he advanced a sum of money to the duke of Bolton, for which he was to receive 7,000*l.* at 1,000*l.* each half year; and that the duke drew a bill, directed to sir Robert Walpole, which run thus; 'I 'desire you will pay to major Forth 1,000*l.* 'or his order, every half year, for three 'years and a half, to commence from 'Lady-day last, value received, 16 May, '1738.' That sir Robert Walpole verbally accepted this bill, but would not indorse it: that he has received 5,000*l.* at five different payments, from sir Robert Walpole's own hands in Bank notes; and that lord Orford told him, about the 9th of February last, that a warrant was signed for the 2,000*l.* unpaid, which was the first order that had passed through the treasury.

Your Committee being further desirous to inform themselves in what manner the vast sums issued for secret service were accounted for to his majesty, sent for Mr. Tilson, who being examined, said, that when his majesty signed a sign manual for the paying of any sum of money to Mr. Scrope, for secret service, he also signed at the same time a receipt to Mr. Scrope for the same sum, but that there was always a blank left for the date, and the dates are at the same time put in at the treasury to the warrant, the order, the sign manual, and the king's receipt; and this is usually done by the entering clerk, who wrote the sign manual, that it may all appear in the same hand: That the date of the receipt is always made the same as the date of the order. And he produced to your committee a paper, the copy whereof is here inserted, and is as follows:

'George *R.* We acknowledge to have 'received of our trusty and well-beloved 'John Scrope, esq. the sum of 5,969*l.* 'being the same sum which in pursuance 'of an order, bearing date this day, was 'issued to him, at the receipt of our exchequer for our secret service. Given 'at our court of St. James's, the 9th of 'February, 1741, in the 15th year of our 'reign. GEORGE *R.*'

'Examined, ORFORD.'

And your Committee being informed, that the paper delivered by Mr. Tilson was the hand-writing of Mr. Thomas Wilkin, sent for him; and he being examined, said, that the said paper was his hand-writing, and was by him copied from a paper delivered to him by Mr. Tilson, and he believed was an original: that he has never seen the king write, but he has seen many sign manuals, and he thinks there was the same hand to that paper: that he has never seen the earl of Orford write, but what was to the paper he copied, was like what he had seen for the earl of Orford's hand: that he believes the copy he made was not examined, but he copied it exactly, word for word, and took the sums and dates exactly, and he believes it was a true copy.

Your Committee cannot but observe, that this receipt is for one of those very sums which Mr. Fane received, by anticipation, of the bank officer, the 9th of February, and which was not really issued at the receipt of the exchequer till the 17th of February, and never went into the hands of Mr. Scrope, but was immediately carried to lord Orford.

Your Committee were at a loss to know, what was meant by those words, 'Exa-'mined, Orford,' it being impossible to mean the witnessing to his majesty's receipt of it from Mr. Scrope on that day; for Mr. Scrope never had the money, therefore could not pay it into his majesty's hands, as that would imply. Nor have your committee been able to inform themselves, whether or no this is conformable to any ancient and regular way of discharging persons for the receipt of such sums, or a modern invention.

And in order to clear up this, and other

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matters of far greater importance, your committee applied to the House for leave to examine John Scrope, esq.; in consequence whereof he did attend on the 4th of June instant, when he did acquaint the committee, that he had read the oath and found it to be a strong one, and desired the opinion of the committee how he was to behave: that if they intended to examine him about the secret service money, he doubted he could not answer without having his majesty's leave: and he said he was tender of doing any thing that might leave a stain upon his character; though he believes he can give no information to the committee more than what they have already got. And then he withdrew. And then Mr. Scrope was again called in, and the chairman informed him, that the committee had considered of what he had said, and he was directed to acquaint him, that they did not think themselves to be in a situation to direct or advise in the affair; but the committee desired to know, whether he would submit to take the oath or not? To which Mr. Scrope answered, I hope you will give me time to consider of it, as being a matter of great consequence; and then he withdrew: Upon which the committee appointed him to attend on the 14th instant June; on which day he did accordingly attend, and your committee being informed, that he desired to speak with the chairman and the committee, he was called in and asked, what he had to say?

Whereupon Mr. *Scrope* said, He was extremely sorry that he should give the committee so much trouble, for he did assure them, that his refusal was not premeditated, for he came the other day resolved to take the oath, though he had then doubts if he should answer in what related to secret service money, and he thought he might have made his objections, when he was examined to it; and accordingly began to take the oath; but when he came to the general words, he found them to be so strong and general, that he doubted if he should not be guilty of perjury, if he should take the oath and not answer.

That he had improved the time the committee had been so kind to give him, and had consulted with the ablest lawyers and divines, and they have made his scruples stronger; and that he did not do it to obstruct the enquiry, but could not as an honest man, and with a safe conscience, take the oath; that he had laid his case before the king, and was authorized to say, "That the disposal of money issued for secret service, by the nature of it, requires the utmost secresy, and is accounted for to his majesty only, and therefore his majesty could not permit him to disclose any thing on that subject."

That he had well considered with himself, and consulted other persons, and thinks he should be criminal if he took a general oath, when there were particular questions which he did not intend to answer; that he hoped he should not incur the displeasure of the committee, for if the oath was confined, he was ready to be examined.

Which behaviour of Mr. Scrope greatly surprised your committee, considering the information they had received from the many papers relating to the secret service, which had been laid before them, and from the examination of the messengers, and the most knowing and active clerks in the office where he is secretary.

Mr. Scrope having thus refused to answer to this material part of this enquiry, your committee beg leave to observe, that those sums which are specified to be for secret service, and which have always been issued in Mr. Scrope's name, are the only money for which his majesty gives a receipt, and may therefore be all that the crown conceives to be issued without account; for the specious titles of special service, and to reimburse expences, seem, from the very phrase, to imply some account; and what is issued to the solicitor of the treasury, under the head of reimbursing expences, is actually accounted for, so that his majesty may possibly be led to believe, that all the money issued under these heads is accounted for, as he gives no receipt for the same; and thus it may happen, that by the artifice of a minister, such sums of money may be issued under the heads of special service and to reimburse expences, as may endanger the public liberty, while the crown may be ignorant of the same, and by attending only to what is specified to be for secret service, may believe that service is kept within reasonable bounds.

These are the most remarkable particulars that your committee think proper to lay before you, relating to the head of secret service, which, if it be considered either by comparison, or by its consequence, either by the sum, or the manner of its issue and receipt, are equally exorbitant, dangerous, and destructive.

If it be considered by the gross compa-

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rison, then it stands as above; as 1,384,600*l.* 6*s.* 3*d.* to 279,444*l.* 1*s.* 7*d.* halfpenny; if by descending into particulars, then it will appear, the two remarkable years 1733 and 1734, amount to 312,128*l.* 19*s.* 7*d.* being considerably more than the total of the whole ten years, from 1707 to 1717.

And what is most astonishing, the demands for secret services, in the six weeks immediately preceding the resignation of the earl of Orford, amount to more than the whole expence, upon that head, in the three years ending August, 1710, and the draughts upon the exchequer for that use, in one day only, being the ninth day of February last (the last indeed he sat at the treasury) amount to a greater sum than was issued for that service, in any one of the afore-mentioned three years, so gloriously distinguished by repeated victories.

And if the consequences of this profusion be considered, what can they be but the alteration of a government, which so lately was supported in that branch for one fifth part of the expence upon the medium of the ten years. Your committee have informed you how the power, the influence, the offices of the government have been employed by him towards violating the freedom of your elections; and they apprehend they have just grounds to suspect that part of these immense sums have been expended for the same most pernicious purposes; and the rather when they consider from what question the obstinate silence of Paxton took its rise, as also what sums have been given towards the defraying the expences of the new charter at Radnor, and to carry on the prosecutions at Colchester, as also the strong probability of the same practice being carried on with respect to the borough of Orford; besides the remarkable sum to Lever, as a reward to a most unjust returning officer, censured by, and actually under the punishment of parliament, as a violator of the liberties of his country.

Nor are the apprehensions of your committee at all lessened when they consider the manner of issuing and receiving these great sums; for here they find the regular course and order of the exchequer was, on the 9th of February last, overturned by pawning the orders to a bank-man for immediate payment, by which means the earl of Orford got 17,461*l.* into his own hands, one of the last days he remained in the treasury, which was disguised in three warrants, and was much more than there actually was in the exchequer applicable to the uses of the civil government.

They also find the sums issued under the two heads of special services, and to reimburse expences for his majesty's service, though they seem to imply open and determinate uses, yet they are issued without receipt from his majesty as well as without account, except what relates to the solicitors of the treasury; so that it is possible the sums under these two heads, amounting to 508,781*l.* 1*s.* 1*d.* may be issued and employed for uses, which the crown itself may look upon as no ways making part of the article of secret service; and if a profuse and designing minister should by these means get a power of squandering such vast sums of secret service money upon his own arbitrary designs, while the crown may be misled to imagine that this branch of the government is carried on at a moderate and justifiable expence, your committee apprehend that the king may be impoverished, the civil list exhausted, the just debts unpaid, and the people in consequence loaded with new burthens to replace that profusion which may be so dangerous to their liberties.

Your Committee have now laid before you the conduct of the earl of Orford, with relation to the payment of the troops, the freedom of your elections, and the quantity as well as manner and consequence of issuing and receiving the public money, supposed to be employed for secret services of the state, notwithstanding the obstructions they have met with either for want of power to compel or indemnify the unwilling witness or accomplice, and from their inability to protect and support those who might have been more ready to do their duty to the public.

Your Committee are now proceeding in the examination of the copies of the papers and letters, and extracts of letters relating to the Convention, referred to them by the House, which they will report with all possible dispatch.*

* Mr. Coxe, in his Memoirs of sir Robert Walpole, closes his review of the above Report with the following observations on the rumours industriously circulated, that sir Robert gained enormous riches from the plunder of the public:

"The current opinion of his vast wealth was, in some degree, sanctioned by his profuse style of living, and the large sums which he expended at Houghton, in buildings and purchases, which could not amount to less than

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A Motion was made, and the question put, That the above Report be printed; and the previous question being put thereon, it passed in the negative.

*The King's Speech at the Close of the Session.*] July 15.* The king came to the House of Peers, and gave the royal assent to several Bills: after which his majesty made the following Speech to both Houses:

"My Lords and Gentlemen;

"The session of parliament has been drawn out into so unusual a length, and the season of the year is so far advanced, that I am persuaded, you are all very desirous of a recess.

"I acquainted you, at the beginning of the session, with my endeavours to bring about an accommodation between those princes, whose union was most necessary in this critical conjuncture. The Treaty, lately concluded between the queen of Hungary and the king of Prussia, under my mediation, and so highly to the honour of Great Britain, must undoubtedly produce the best consequences to the common cause.

"The successes which have attended the Austrian arms in Germany, the conjunction of the king of Sardinia's forces with those of the queen of Hungary in Italy, the present favourable disposition of the States General and of other great powers, are, under God, chiefly owing to the generous assistance afforded by this nation to its ancient and natural allies.

"These happy events cannot fail to give encouragement to our friends, and to establish the reputation of our strength, and our just influence abroad.

"If, for the farther support and defence

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200,000*l.*, and to which it was said the income of his estate, and the known salary of his visible employments, were manifestly inadequate.

"This heinous charge will be best answered by a plain statement of his private property, pecuniary acquirements, and the situation of his affairs at his death.

"In the first chapter of these Memoirs, I have shewn from undoubted documents, that his family estate, to which he succeeded in 1700, amounted to 2,169*l.* a year, and that it had been relieved from embarrassments by his wife's fortune. His generous temper, and liberality in promoting the Hanover succession, appear to have involved him in his early days in some difficulties, from which he was afterwards relieved by the emoluments of the offices which he held under the Whig administration in the reign of queen Anne, and while paymaster general of the forces in the reign of George the first. But he greatly augmented his fortune by disposing of South Sea-Stock. He was, however, principally indebted for this acquisition to his own sagacity, and to the judgment and intelligence of his agents, Jacombe and Gibson; for he was so far from being entrusted with the secrets of the managers, that he was execrated by them for having uniformly opposed the project, and favoured the proposal of the Bank. His good fortune, however, was still greater than his own discernment or the intelligence of his agents, for he narrowly escaped being a great sufferer in the last subscription, by the precipitate fall of the stock. Some orders which he had sent from Houghton, by sir Harry Bedingfield, together with a list of his friends who wished to be subscribers, came too late to be executed; and the delay prevented his participating in the general calamity.

"This addition so considerably increased his revenue as sufficiently to account for his expence in building, improving, and purchasing at Houghton, which he commenced in the following year, as well as for the acquisition of that noble collection of pictures which cost him 40,000*l.*, and which sold for nearly double the original price.

"During his continuance in office, he provided for his family by lucrative offices for life. Thus he was enabled to expend his private fortune, considerably increased by the rise of landed property, and his ministerial emoluments, in that profuse style of living which incurred such unqualified censure.

"These details of the estate and property of sir Robert Walpole, cannot be deemed superfluous, when it is considered that he has been represented as a needy adventurer; that he was accused of having squandered and appropriated the public money; an accusation which was advanced without proof, believed without conviction, and is still credited by many who take rumours for facts, and give unlimited faith to the rancorous assertions of party."

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* On the 12th of July lord Gower was appointed keeper of is majesty's privy seal, in the room of lord Hervey, who resigned; also appointed lord lieutenant of the county of Stafford, and sworn of the privy council. Mr. Pulteney was created baron of Heydon, viscount Wrington, and earl of Bath. Lord Bathurst was appointed captain of his majesty's band of pensioners, in the room of the duke of Bolton, and sworn of the privy council. The duke of Bolton was appointed governor of the Isle of Wight and of Carisbrook castle, and the fortifications thereunto belonging in the said isle; also made warden of the New Forest in Hampshire. Lord Delawar was appointed master forester of Frithan in the said forest. On the 15th the earl of Bath took his seat in the House of Peers.

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of the queen of Hungary, and to restore and secure the balance of power, so particularly recommended to me by my parliament, it should become necessary for me to contract new engagements, or to enter into farther measures, I rely upon your zeal and perseverance, in so just a cause, to enable me to make them good.

"In the midst of these extensive transactions, I have been, and shall continue to be, attentive to the prosecution of the war against Spain with the utmost vigour; which is of the greatest importance to the trade and navigation of my subjects; the encouragement and protection whereof, shall be one of my principal cares.

"Gentlemen of the House of Commons;

"The zeal, unanimity, and dispatch, with which you have given such large supplies, for the service of the current year, demand my particular thanks, and are fresh proofs of your duty to me, and of your concern for the true interest of your country. The success, with which these supplies have been raised, must convince all the world of the established credit of this nation.

"My Lords and Gentlemen;

"I have the justest confidence in the affections of my people; which I shall not fail to cultivate, by a constant care of their rights and liberties, and by promoting their prosperity and happiness. Let it be your endeavour, in your respective countries, to make these my good intentions rightly understood; to calm and heal all animosities and divisions; to support my authority and government; and to preserve the peace and good order of the kingdom."

Then the lord chancellor, by his majesty's command, prorogued the parliament to the 16th of September. They were further afterwards prorogued to the 16th of November.

## SECOND SESSION OF THE NINTH PARLIAMENT OF GREAT BRITAIN.

*The King's Speech on Opening the Session*[*].] November 16. The King came to the House of Lords, and opened the Session with the following Speech to both Houses:

"My Lords and Gentlemen:

"The present important conjuncture of affairs will, I am persuaded, be

[*] "The British parliament, after several prorogations, this year met on the 16th of November. The reader here must be informed of the state of parties in England, and of the reigning politics of this period. This information is the more necessary, as he cannot receive it from the papers and publications of that time, when party rage broke out with more violence than had been ever known since the time of the Revolution.

"It is certain from experience, that it does not require so great abilities to oppose, as it does to head, or even to befriend, an administration, in England. The great qualities that were seen in the gentlemen of the new ministry while in the opposition, were all obscured from the eyes of the public when they became ministers themselves. The truth is, they had but few personal friends; for though they were supported by the remains of the late administration, who were still very powerful, yet that was not from any kindness, but from the fear or hatred of a third party: and what added to the popular odium of the new administration, was the disagreeable appearance they were under of having changed both their party and their principles, without being possessed of any real power. This, with regard to money, was still in the hands of the old administration, and with regard to measures, it was engrossed by lord Carteret, a minister of superior capacity and influence, and independent of all party as to his power in the cabinet.

"But even all the capacity of that great minister was thought insufficient for justifying to the nation the bold measures that had been lately pursued: 16,000 British troops were now in Flanders idle, unemployed, and quarrelling with the inhabitants; without the Dutch peremptorily declaring for the queen of Hungary, by which some appearance arose, that the government of England was to take upon itself the whole support of the House of Austria. This appearance was strengthened when the Hessians in British pay were sent to join the English in Flanders, and when it came to be publicly known, that the 16,000 Hanoverians sent upon the same destination, were likewise to be in the pay of Great Britain, and that too upon terms given out to be more advantageous than common.

"All those topics, the latter especially, were blazoned out to the public in a set of the most flagitious and indecent writings that ever appeared in England. The press did not now, as formerly, point at the minister alone, but at his master, because of his double capacity of king and elector, and the people were, on that account, heated to distraction. It was easily foreseen, that if the opposition within doors should continue to be as strong as it was in the preceding session, the consequences to the

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thought a sufficient reason for calling you thus early together.

"I have, in pursuance of the repeated advice of my parliament, taken such a part as appeared to me most conducive to the support of the House of Austria, and to the restoring and securing the balance of power. In this view, I ordered a considerable body of troops to be sent from hence into Flanders; and, at the close of the last session, I foresaw, and pointed out to you, that it might be incumbent upon me, to enter into further measures for the same great and desirable ends. The augmentation of our strength in the Low Countries became a necessary step; for which purpose I sent, in concert with my allies, 16,000 of my electoral troops thither, with the Hessians in the British pay, in order to form such a force, in conjunction with the Austrian troops, as might be of service to the common cause in all events; and I doubt not but I shall have your assistance in the support of these necessary measures.

"The magnanimity and firmness of the queen of Hungary, notwithstanding so many numerous armies sent against her; the resolute conduct of the king of Sardinia, and his strict adherence to his engagements, though attacked in his own dominions; the stop which has been hitherto put to the ambitious designs of the court of Spain in Italy, (to which, the operations of my fleet, in the Mediterranean, have so visibly contributed;) the change of affairs in the North, which has appeared by the public requisition, made by Sweden, of my good offices, for procuring a peace between Russia and that crown; and the defensive alliance agreed upon, not only between me and the Czarina, but also between me and the king of Prussia, are events, which could not have been expected, if Great Britain had not shewn a seasonable spirit and vigour, in defence and assistance of its ancient allies, and in the maintenance of the liberties of Europe, as well as of its own true, and lasting interest.

"Gentlemen of the House of Commons:

"I have ordered the proper Estimates for the service of the ensuing year to be prepared, and laid before you, and also an Account of the expence of those particular services, which I have already mentioned, and which you will find to have been concerted in as frugal a manner, as the nature of them would admit. I am persuaded, that you will readily grant me such Supplies, as shall be found necessary for the security and welfare of the nation, requisite for the support of the common cause, and adequate to the present emergency.

"My Lords and Gentlemen:

"The importance of your deliberations at this time is so evident, that I will say nothing to enforce it. The honour and interest of my crown and kingdoms; the success of the war, wherein I

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internal peace of the kingdom might be fatal; and this consideration was the more serious, because a secret spirit of discontent began now to insinuate itself into some of the officers of the army, both at home and abroad, upon account of the Hanoverian troops.

"The minister (for so lord Carteret was now termed) bore up against all the torrent of abuse against his measures with vast spirit, and it seemed only to confirm and quicken his resolutions. He appealed to the proceedings of parliament, and to the late voice of the people, all which were unanimous in calling upon his majesty to support the House of Austria. He mentioned the promising situation of affairs on the continent, as the happy effects of his majesty's measures and firmness, and he continued, notwithstanding all that had passed, to assure the public, that the Dutch would infallibly take part in the war, if they saw his majesty persevere in his conduct.

"Many of the most candid and consistent friends of the late opposition agreed with the minister in his sentiments, and some of them were taken into places of high trust. Lord Gower, the most popular nobleman in the opposition, was made lord privy-seal, which he afterwards resigned and resumed, and enjoyed to the full the confidence and favour of his master; and lord Bathurst, who had been always heard with great attention in the House of Peers, was made captain of his majesty's band of pensioners; and several gentlemen in the House of Commons were at the same time provided in places under the government.

"Though these promotions and alterations in some measure seemed to secure a majority for the government within, they were far from allaying the heats without doors. The chief of the preferments had fallen upon those who were considered either as Tories, or as being very moderate men, with regard to any party, and the gentlemen in the opposition were not even without hopes, that when the great points came into debate, they would, some of them, as indeed happened to be the case, vote against the court. A loyal Address was moved for, opposed and carried in both Houses, and each met with a most gracious answer from his majesty. But the two parties kept up their strength till the question about the Hanover Troops, now known to be in British pay, should come to be debated." Tindal.



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am engaged against Spain; and the re-establishment of the balance and tranquillity of Europe, will greatly depend on the prudence and vigour of your resolutions. Let it be your care to avoid every thing that may either delay or weaken them; and to convince the world, that you are determined to make a right use of the present opportunity."

*Debate in the Lords on the Address of Thanks**.] The king being withdrawn,

The Marquis of *Tweedale* rose and said:

My lords; it is not without the highest satisfaction, that every lover of mankind must look upon the alterations that have lately been produced in the state of Europe; nor can any Briton forbear to express an immediate and particular pleasure to observe his country rising again into its former dignity, to see his own nation shake off dependence, and rouse from inactivity, cover the ocean with her fleets, and awe the continent with her armies, bid once more defiance to the rapacious invaders of neighbouring kingdoms, and the daring projectors of universal dominion, once more exert her influence in foreign courts, and raise another confederacy against the power of France.

The queen of Hungary, who was lately obliged to retire at the approach of her enemies, to leave Vienna in danger of a siege, and seek shelter in the remotest corner of her dominions, who was lately so harrassed with invasions, and encircled with dangers, that she could scarcely fly from one ravager, without the hazard of falling into the hands of another, is now able to give laws to her persecutors, to return the violence which she has suffered, and instead of imploring mercy from those who had no regard but to their own interest, and were determined to annihilate her family and divide her dominions, now sits in full security on her throne, directs the march of distant armies, and dictates the terms on which those who have entered her dominions shall be suffered to escape.

Such, my lords, is the present state of the German empire; nor have the affairs of the rest of Europe been less changed; the power of the House of Bourbon has been diminished on every side, its alliance has been rejected, and its influence disregarded.

The king of Sardinia has openly engaged to hinder the Spaniards from erecting a new kingdom in Italy; and though he has hitherto been somewhat embarrassed in his measures, and oppressed by the superiority of his enemies, has at least, by preventing the conjunction of the Spanish armies, preserved the Austrians from being overwhelmed. Nor can the situation of his dominions, and the number of his forces, suffer us to doubt, that in a short time he will be able entirely to secure Italy, since he has already recovered his country, and drove back the Spaniards into the bosom of France.

The condition of the other Spanish army is such, as no enemy can wish to be aggravated by new calamities. They are shut up in a country without provisions, or of which the inhabitants are unwilling to supply them: on one side are neutral states, to which the law of nations bars their entrance; on another the Mediterranean sea, which can afford them only the melancholy prospect of hostile armaments, or sometimes of their own ships falling into the hands of the British; behind them are the troops of Austria ready to embarrass their march, intercept their convoys, and receive those whom famine and despair incite to change their masters, and to seek among foreign nations that ease and safety of which the tyranny of their own government, and the madness of their own leaders, has deprived them. Such is their distress, and so great their diminution, that a few months must complete their ruin, they must be destroyed without the honour of a battle, they must sink under the fatigue of hungry marches, by which no enemy is overtaken or escaped, and be at length devoured by those diseases, which toil and penury will inevitably produce.

That the diminution of the influence of the House of Bourbon is not an empty opinion, which we easily receive, because we wish it to be true; that other nations likewise see the same events with the same sentiments, and prognosticate the decline of that power which has so long intimidated the universe, appears from the declaration now made by his majesty of the conduct of the Swedish court.

That nation, which was lately governed by the counsels and glutted with the bounties of France, which watched the nod of her mighty patroness, and made war at her command against the Russian empire, now begins to discover that there

* From the Gentleman's Magazine: compiled by Dr. Johnson.



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other powers more worthy of confidence and respect, more careful to observe their engagements, or more able to fulfil them. She therefore requests the British monarch to extricate her from those difficulties in which she is entangled by a blind compliance with French dictates, to restore to her the dismembered provinces, and recal that enemy which now impends over her capital, and whom the French have neither interest to appease, nor strength to resist.

Such, my lords, is the present prospect which offers itself to him who surveys Europe with a political view, and examines the present interest and dispositions of neighbouring potentates; such is the order which has been produced from general confusion, and such the re-establishment of equal power, which has succeeded these concussions of the world.

It is no small addition to the pleasure which this change must afford every man, who has either wisdom to discover his own happiness, or benevolence to rejoice in that of others, that it has been the effect not of chance but of conduct; that it is not an unforeseen event, produced by the secret operation of causes fortuitously concurring, but the result of a political and just design, well concerted and steadily pursued; that every advantage which has been gained, is the consequence of measures lain to obtain it; that our happiness has been procured by prudence, and that our counsels have not been lucky but wise.

If we reflect, my lords, upon the causes which have contributed to the rescue of Europe from impending slavery, which have re-established the queen of Hungary in her dominions, enabled her to lay waste the territories of her invaders, confirmed her friends in their fidelity, and intimidated those whom rival interests inclined to wish her fall, or the hope of sharing in the plunder had incited to form designs against her; if we enquire to what it is to be ascribed, that she is able to form new alliances, and defend her dominions with confederate armies, we shall find it easy to trace all these revolutions to one cause, the steady and prudent conduct of the British monarch.

Our sovereign, my lords, has looked on the troubles of Europe with that concern which public virtue inspires: he has seen the sufferings of this illustrious princess with that compassion which is always due to magnanimity oppressed, and formed resolutions for her assistance with that ardour, which courage naturally kindles; but with that caution likewise and secrecy which experience dictates. But he remembered, my lords, that though he was the friend of the queen of Hungary, he was to consider himself as the father of the people of England; that he was not to exhaust the forces of this nation in romantic expeditions, or exhaust its treasures in giving assistance which was not needed.

He therefore waited to observe the event of the war, and to discover whether the incessant struggles of the Austrians would be able to throw off the load with which they were oppressed; but he found that their spirit, however ardent, could not supply the want of strength; he found that they were fainting under insuperable labours, and that though they were in no danger of being conquered by their enemies, they must in a short time be wearied with their numbers.

His majesty then knew, my lords, that by sending them speedy assistance, he at once promoted the interest of his people, and gratified his own inclinations; he therefore supplied the queen with such sums as enabled her to levy new forces, and drive her enemies before her. By procuring a reconciliation with the king of Prussia, he freed her from the nearest and most formidable danger, and gave her an opportunity to secure herself against the menaces of other powers.

But though she was set free from domestic dangers, though invasion was driven from her capital, though captivity no longer pursued her flight, nor usurpation hovered over her throne, her more distant dominions were still a prey to her enemies. The Spaniards had already landed one army in Italy, with which another was hastening to join. The success of this enterprize, which would have gained the greatest part of Italy, could only be hindered by the king of Sardinia, who was therefore solicited by the Spaniards and French to favour their design, with the strongest protestations, and the most magnificent promises. But these were overbalanced by the influence of the British monarch, whose name was of sufficient importance to make the weaker part most eligible, and to counter-balance the force of immediate interest.

Thus was the passage into Italy barred against the Spaniards, by obstacles which they can never surmount, while the other

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army is besieged by our fleet, and by the Austrians, and reduced, instead of conquering kingdoms, to change their camp, and regulate their marches, with no other view than to avoid famine; while that prince, whose dominions might most commodiously afford them succour, and whom all the ties of nature and of interest oblige to assist them, is awed by the British ships of war, which lie at anchor before his metropolis, and of which the commanders, upon the least suspicion of hostilities against the queen of Hungary, threaten to batter his palaces, and destroy his city.

In this manner, my lords, has his majesty assisted the House of Austria with his treasures, his influence, and his navy; thus does he subdue some enemies, and restrain others; thus does he hold the balance of the war, and thus does he add the weight of power to the scale of justice.

But to secure the success that has been already obtained, and to take from the enemies of liberty all hopes of recovering the advantages which they have lost, he has now no longer confined his assistance to negociations and pecuniary supplies. He knows that alliances are always best observed, when they confer security, or produce manifest advantages; and that money will not be always equivalent to armies. He has, therefore, now acted openly in defence of his ally, has filled Flanders once more with British troops, and garrisoned the frontier towns with the forces of that nation by which they were gained. The veteran now sees once more the plains over which he formerly pursued the squadrons of France, points the place where he seized the standards, or broke the lines, where he trampled the oppressors of mankind, with that spirit which is enkindled by liberty and justice. His heart now beats once more at the sight of those walls which he formerly stormed, and he shews the wounds which he received in the mine or on the breach. The French now discover, that they are not yet lords of the continent: and that Great Britain has other armies ready to force once more the passes of Schellembourg, or break down the entrenchments of Blenheim; to wrest from them the sceptre of universal monarchy, and confine them again to their own dominions.

To the British regiments his majesty has joined a large body of the forces of his own electorate, without regard to the danger which may threaten his dominions in the absence of his troops, having no other view than to secure the public tranquillity at whatever hazard of his own, and being convinced that private interest is most effectually secured by a steady attention to general good.

These measures, my lords, undoubtedly demand our gratitude and applause. Gratitude is always due to favourable intentions, and diligent endeavours, even when those intentions are frustrated, and those endeavours defeated; and applause is often paid to success, when it has been merely the effect of chance, and been produced by measures ill adapted to the end which was intended by them. But surely, when just designs have been happily executed, when wise measures are blessed with success, neither envy nor hatred will dare to refuse their acclamations; surely those will at least congratulate, whom the corruption of their hearts hinders from rejoicing, and those who cannot love, will at least commend.

Here, my lords, I suspect no inclination to depreciate the happiness that we enjoy, or to calumniate that virtue by which it has been obtained; and therefore doubt not but your lordships will readily concur in the reasonable motion which I have now to offer:

"That an humble Address be presented to his majesty, to return him the thanks of this House for his most gracious speech from the throne.

"To declare our just sense of his majesty's great care and vigilance for the support of the House of Austria, and for restoring and securing the balance of power.

"To acknowledge his majesty's great wisdom and attention to the public welfare, in sending so considerable a body of his forces into the Low Countries, and in strengthening them with his electoral troops, and the Hessians in the British pay; and thereby forming such an army as may defend and encourage those powers who are well intentioned, and give a real assistance to the queen of Hungary, and to assure his majesty of the concurrence and support of this House in this necessary measure.

"To express our satisfaction in the good effects which the vigour exerted by Great Britain in assisting its ancient allies and maintaining the liberties of Europe, hath already had on the affairs of the queen of Hungary, and on the conduct of several powers; and our hopes that a steady perseverance in the same measures

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will inspire the like spirit and resolution into other powers, equally engaged by treaties and common interest to take the like part.

"To give his majesty the strongest assurances, that this House has the honour and safety of his majesty, the true interest and prosperity of his kingdom, the security and advancement of their commerce, the success of the war against Spain, and the re-establishment of the balance and tranquillity of Europe, entirely at heart. That these shall be the great and constant objects of our proceedings in all just and necessary measures for attaining those great and desirable ends, and to stand by and defend his majesty against all his enemies."

Lord *Montfort*:

My lords; the motion offered by the noble lord, is in my opinion so proper and just, so suitable to the dignity of this assembly, and so expressive of the gratitude which the vigilance of his majesty for the public good ought to kindle in every heart not chilled by ungenerous indolence, or hardened by inveterate disaffection, that I cannot discover any reason for which it can be opposed, and therefore hope that every noble lord will concur in it with no less alacrity and zeal than I now rise up to second it.

It may indeed naturally be hoped from this House, that his majesty's measures will be readily approved, since they are such as even malice and faction will not dare to censure or oppose, such as calumny will not venture to defame, and such as those who will not praise them can never mention. If it be allowed, that the interest of France is opposite to that of Great Britain, that the equipoise of power on the continent is to be preserved; if any of the counsels of our ancestors deserve our attention, if our victories at Cressy or at Ramillies are justly celebrated by our historians, the wisdom of our sovereign's conduct cannot be denied.

The French, my lords, whom our armies in the reign of queen Anne saw flying before them, who, from dividing kingdoms, and prescribing laws to mankind, were reduced to the defence of their own country, who were driven from entrenchment to entrenchment, and from one fortification to another, now grown insolent with the pleasures of peace, and the affluence of commerce, have forgotten the power by which their schemes were baffled, and their arrogance repressed; by which their fabric of universal monarchy was shattered, and themselves almost buried in the ruins.

Infatuated with the contemplation of their own force, elated with the number of their troops, the magnificence of their cities, and the opulence of their treasury, they have once more imagined themselves superior to resistance, and again aspire to the command of the universe; they have now for some time assumed the haughty style of the legislators of mankind; and have expected, that princes should appeal to them as to the highest human tribunal, and that nations should submit their claims to their arbitration; they have already assumed the distribution of dominions, and expect that neither peace shall be concluded, nor war proclaimed, but by their permission or advice.

By this gradation of exorbitant claims and oppressive measures have they at length arrived, my lords, at the summit of insolence; by these steps have they ascended once more the towering throne of universal monarchy; nor was any thing wanting to complete their plan, but that their ancient rival, the German empire, should be reduced to acknowledge their sovereignty, and that the supreme dignity of Europe should be the gift of the French bounty.

The death of the late emperor without sons, furnished them with an opportunity of executing their design, too favourable to be neglected. They now imagined it in their power not only to dispose of the imperial dignity, but to divide the dominions of the House of Austria into many petty sovereignties, incapable singly of opposing them, and unlikely to unite in any common cause, or to preserve a confederacy unbroken, if they should by accident agree to form it.

They therefore sent their armies into Germany, to superintend the approaching election, and by hovering over the territories of princes unable to resist them, extorted voices in favour of their ally; a prince, whose dominions must by their situation always oblige him to compliance with the demands, and to concurrence in the schemes of his protectors, and who will rather act as the substitute of France, than the emperor of Germany.

But it was to no purpose that they had graced their dependant with titular honours and ensigns of sovereignty, if the House of Austria still retained its hereditary dominions, and preserved its strength when it had lost its dignity. They well

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knew, that armies were equally formidable whether commanded by an emperor, or an inferior sovereign; and that a mere alteration of names, though it might afford a slight and transient gratification to vanity, would produce no real encrease or diminution of power.

They therefore thought it necessary to improve the present time of confusion, and excite all the princes of the empire to revive their ancient claims upon the Austrian territories; claims, which how long soever they had been forgotten, howsoever abrogated by long prescription, or annulled by subsequent treaties, were now again to become valid, and to be decided by the arbitration of France.

But this project being defeated by the heroic constancy of the queen of Hungary, whose wisdom and resolution, which will equal her name in future histories with those of the most successful conquerors, rejected their mediation, and refused to own her right doubtful, by submitting it to be tried; they were obliged no longer to dissemble their designs, or make further pretences to respect or tenderness. Her fall was necessary to their own exaltation; they therefore kindled a general conflagration of war, they excited all the princes to take arms against her, and found it indeed no difficult task to persuade them to attack a princess, whom they thought unable to form an army, whom they believed they should rather pursue than engage, and whose dominions might be overrun without bloodshed, and whom they should conquer only by marching against.

Such a combination as this, a combination of monarchs, of which each appeared able singly to have carried on a war against her, nothing but the highest degree of magnanimity could have formed a design of resisting; nor could that resistance have procured the least advantages, or retarded for a single day the calamities that were threatened, had it not been regulated by every martial virtue, had not policy united with courage, and caution with activity.

Thus did the intrepidity of this princess, my lords, support her against the storms that shook her kingdom on every side; thus did those, whom her virtues gained over to her service, and whom her example animated with contempt of superior numbers, defend her against the forces of all the surrounding nations, led on by monarchs, and elated with the prospect of an easy conquest.

But the utmost that could be hoped from the most refined stratagems, or the most exalted courage, was only that her fate might be deferred, that she should not fall wholly unrevenged, that her enemies would suffer with her, and that victory would not be gained without a battle. It was evident, that bravery must in time give way to strength, that vigour must be wearied, and policy exhausted, that by a constant succession of new forces, the most resolute troops must be overwhelmed; and that the House of Austria could only gain by the war, the fatal honour of being gloriously extinguished.

This his majesty's wisdom easily enabled him to discover, and his goodness incited him to prevent; he called upon all the powers, who had promised to preserve the Pragmatic Sanction, to have regard to the faith of nations, and by fulfilling their engagements, to preserve the liberties of Europe; but the success of his remonstrances only afforded a new instance of the weakness of justice, when opposed to interest or fear. All the potentates of the continent were restrained by the threats, or gained by the promises of France; and the disposal of the possessions of the Austrian House, seemed by the general consent of Europe, to be resigned to the family of Bourbon.

But our sovereign was not yet discouraged from asserting the rights which he had promised to maintain, nor did he think the neglect or treachery of others a sufficient reason for refusing that assistance, which justice and policy equally required. He knew the power of his own kingdom, and though he did not omit to cultivate alliances, he was conscious of his ability to proceed without them; and therefore showed, by sending his troops into the Austrian territories, that the measures of the king of England were not to be regulated by either his enemies, or his confederates; that this nation is yet able to support its own claims, and protect those of its allies; and that while we attack one of the kingdoms of the House of Bourbon, we are not afraid to set the other at defiance.

The effects of this conduct, my lords, were immediately apparent; the king of Sardinia engaged to oppose the entrance of the Spaniards into Italy; the king of Prussia not only made a peace with the queen of Hungary, by whom he was more to be dreaded than any other enemy, but entered into an alliance with his majesty,

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who has made no small addition to his influence, by another treaty with the most powerful nations of the north.

Thus, my lords, are the dreadful arms of France, which are never employed but in the detestable and horrid plan of extending slavery, and supporting oppression, stopped in the full career of success. Thus is the scheme of universal monarchy once more blasted, and the world taught, that the preservation of the rights of mankind, the security of religion, and the establishment of peace, are not impracticable, that the power of Britain is yet undiminished, and that her spirit is not yet depressed.

By his majesty's conduct, my lords, the reputation of our country is now raised to its utmost height; we are now considered as the arbiters of empire, the protectors of right, the patrons of distress, and the sustainers of the balance of the world. I cannot therefore but conclude, that no man in this House will be unwilling to acknowledge that wisdom and firmness, which not only this nation, but the greatest part of the universe, will remember with gratitude in the remotest ages, and that the motion which I now second, will be universally approved.

The Earl of *Chesterfield*:

My lords; though the motion has been, by the noble lord who made it, introduced with all the art of rhetoric, and enforced by him that seconded it, with the utmost ardour of zeal, and the highest raptures of satisfaction and gratitude; though all the late measures have been recommended to our applause, as proofs of the strictest fidelity, and the most sagacious policy; and though I am very far from intending to charge them with weakness or injustice, or from pretending to have discovered in them a secret tendency to advance any interest in opposition to that of Great Britain, I am yet not able to prevail upon myself to suppress those scruples which hinder me from concurring with them, and from approving the Address which is now proposed.

I am less inclined, my lords, to favour the present motion, because I have long been desirous of seeing the ancient method of general addresses revived by this House; a method of address by which our princes were reverenced without flattery, and which left us at liberty to honour the crown, without descending to idolize the ministry.

I know not, my lords, what advantages have been procured by an annual repetition of the speeches from the throne, however gracious or excellent. For ourselves, we have certainly obtained no new confidence from the crown, nor any higher degree of honour among the people. The incense, which from our censers has so long perfumed the palace, has inclined the nation to suspect, that we are long enough inured to idolatry, to offer up their properties for a sacrifice, whenever they shall be required; and I cannot dissemble my suspicions, that a long continuance of this custom may give some ambitious or oppressive prince in some distant age, when perhaps this beneficent and illustrious family may be extinct, the confidence to demand it.

I cannot but be of opinion, and hope your lordships will be convinced upon very short reflection, that there is a style of servility, which it becomes not this House to use even to our monarchs: we are to remember, indeed, that reverence which is always due from subjects, but to preserve likewise that dignity which is inseparable from independence and legislative authority.

That we ought not to descend to the meanest of flattery, that we ought to preserve the privilege of speaking, without exaggerated praises, or affected acknowledgements, our regard not only to ourselves, but to our sovereign, ought to remind us. For nothing is more evident, my lords, than that no monarch can be happy while his people are miserable; that the throne can be secure only by being guarded by the affections of the people; and the prince can only gain and preserve their affections, by promoting their interest, and supporting their privileges.

But how, my lords, shall that monarch distinguish the interest of his people, whom none shall dare to approach with information? How shall their privileges be supported, if, when they are infringed, no man will complain? And who shall dare to lay any public grievances, or private wrongs, before the king of Great Britain, if the highest assembly of the nation shall never address him but in terms of flattery?

The necessity of putting an end to this corrupt custom, becomes every day more and more urgent; the affairs of Europe are hastening to a crisis, in which all our prudence, and all our influence, will be required; and we ought therefore to take care not to perplex our resolutions by

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voluntary ignorance, or destroy our credit by a public approbation of measures, which we are well known not to understand.

I suppose, none of your lordships, who are not engaged in the administration of affairs, will think it derogatory from the reputation of your abilities and experience, to confess, that you do not yet see all the circumstances or consequences of the measures which you are desired to applaud; measures which have been too lately taken to discover their own tendency, and with relation to which no papers have been laid before us. We are told of armies joined, and treaties concluded, and therefore called upon to praise the wisdom of our negociations, and the usefulness and vigour of our military preparations; though we are neither acquainted on what terms our alliances are formed, nor on what conditions our auxiliaries assist us.

This, my lords, is surely such treatment as no liberal mind can very patiently support; it is little less than to require that we should follow our guides with our eyes shut; that we should place implicit confidence in the wisdom of our ministers, and having first suffered them to blind ourselves, assist them afterwards to blind the people.

The longer I dwell upon the consideration of this motion, the more arguments arise to persuade me, that we ought not hastily to agree to it. My lords, the address proposed, like the speech itself, is of a very complicated and intricate kind, and comprises in a few words many transactions of great importance, crowded together with an artful brevity, that the mind may be hindered by the multitude of images, from a distinct and deliberate consideration of particulars. Here are acts of negociation confounded with operations of war, one treaty entangled with another, and the union of the Hanoverians with our troops, mentioned almost in the same sentence with the Spanish war. This crowd of transactions, so different in their nature, so various in their consequences, who can venture to approve in the gross? or who can distinguish without long examination?

I hope, my lords, that I shall not be charged with want of candour, in supposing the motion not to be an extemporaneous composition, but to be drawn up with art and deliberation. It is well known, that the address is often concerted at the same time that the speech is composed; and that it is not uncommon to take advantage of the superiority which long acquaintance with the question gives those who defend the motion, above those who oppose it.

We are indeed told, that the visible effects of his majesty's measures prove their expediency, and that we may safely applaud that conduct of which we receive the benefits. But, my lords, the advantages must be seen or felt before they can be properly acknowledged; and it has not been shown, that we have yet either intimidated the enemies of the queen of Hungary, whose interest we have been lately taught to believe inseparable from our own, or encouraged any new allies to declare in her favour.

The Dutch, my lords, are not yet roused from their slumber of neutrality; and how loudly soever we may assert our zeal, or with whatever pomp we may display our strength, they still seem to doubt either our integrity or force; and are afraid of engaging in the quarrel, lest they should be either conquered or betrayed. Nor has the approach of our army, however they may be delighted with the show, inspired them with more courage, though they are enforced by the troops of Hanover.

The addition of these forces to the British army, has been mentioned as an instance of uncommon attention to the great cause of universal liberty, as a proof that no regard has been paid to private interest, and that all considerations are sacrificed to public good. But since no service can be so great but it may be overpaid, it is necessary that we may judge of the benefit, to inform us on what terms it has been obtained, and how well the act of succession has been observed on this occasion.

Though I am too well acquainted, my lords, with the maxims which prevail in the present age, and have had too much experience of the motives, by which the decisions of parliament are influenced, to offer any motion of my own, yet these reasons will withhold me from concurring with this. I cannot but be of opinion, that the question ought to be postponed to another day, in which the House may be fuller, our deliberations be assisted by the wisdom and experience of more than thirty lords, who are now absent, and the subjects of enquiry, of which many are new and unexpected, may be more accurately considered; nor can I prevail upon

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myself to return to general declarations any other than general answers.

Lord *Carteret:*

My lords; as there has arisen no new question, as his majesty, in assisting the queen of Hungary, has only followed the advice of parliament; I am far from being able to discover, why any long deliberation should be necessary to a concurrence with the motion now before us, or whence any doubt can arise with regard to the effects of his majesty's measures; effects which no man will deny, who will believe either his own eyes, or the testimony of others; effects which every man who surveys the state of Europe must perceive, and which our friends and our enemies will equally confess.

To these measures, which we are now to consider, it must be ascribed, that the French are no longer lords of Germany; that they no longer hold the princes of the empire in subjection, lay provinces waste at pleasure, and sell their friendship on their own terms. By these measures have the Dutch been delivered from their terrors, and encouraged to deliberate freely upon the state of Europe, and prepare for the support of the Pragmatic Sanction. But the common cause has been most evidently advanced by gaining the king of Prussia, by whose defection the balance of the war was turned, and at least 30,000 men taken away from the scale of France.

This, my lords, was a change only to be effected by a patient expectation of opportunities, and a politic improvement of casual advantages, and by contriving methods of reconciling the interest of Prussia with the friendship of the queen of Hungary; for princes, like other men, are inclined to prefer their own interest to all other motives, and to follow that scheme which shall promise most gain.

That all this, my lords, has been effected, cannot be denied; nor can it be said to have been effected by any other causes than the conduct of Great Britain: had this nation looked either with cowardly despair, or negligent inactivity, on the rising power of France and the troubles of the continent; had the distribution of empire been left to chance, our thoughts confined wholly to commerce, and our prospects not extended beyond our own island; the liberties of Europe had been at an end, the French had established themselves in the secure possession of universal monarchy, would henceforth have set mankind at defiance, and wantoned without fear in oppression and insolence.

These, my lords, are consequences of the measures pursued by his majesty, of which neither the reality nor the importance can be questioned, and therefore they may doubtless be approved without hesitation. For surely, my lords, the addition of the Hanoverian troops to the forces of our own nation can raise no scruples, nor be represented as any violation of the Act of Settlement.

Of the meaning of that memorable act, I believe, I do not need any information. I know it is provided, that this nation shall not be engaged in war in the quarrel of Hanover; but I see no traces of a reciprocal obligation, nor can discover any clause, by which we are forbidden to make use in our own cause of the alliance of Hanover, or by which the Hanoverians are forbidden to assist us.

I hope, my lords, this representation of the state of our transactions with Hanover, will not be charged with artifice or sophistry. I know how invidious a task is undertaken by him who attempts to shew any connection between interests so generally thought opposite, and am supported in this apology only by the consciousness of integrity, and the intrepidity of truth.

The assistance of Hanover, my lords, was at this time apparently necessary. Our own troops, joined with the Hessians, composed a body too small to make any efficacious opposition to the designs of France; but by the addition of 16,000 men, became sufficiently formidable to oblige her to employ those troops for the security of her frontiers, with which she intended to have overwhelmed Italy, and to have exalted another Spanish prince to a new kingdom. The Spaniards, deprived of this assistance, harassed by the Austrians with perpetual alarms, and debarred by our fleet from the supplies which are provided for them in their own country, must languish with penury and hardships, being equally cut off from succour and from flight.

Thus, my lords, it is evident, that the true and everlasting interest of Great Britain has been steadily pursued; that the measures formed to promote it have been not only prudent, but successful. We did not engage sooner in the quarrel, because we were not able to form an army sufficiently powerful. An advantageous peace is only to be obtained by vigorous preparations for war; nor is it to be ex-

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pected that our enemies should court our friendship, till they see that our opposition is really formidable. Such, my lords, is our present state; we may reasonably hope that the French will desist from their designs, because they will have a confederacy to oppose, more powerful than that by which their immortal monarch was lately humbled; and I hope that conduct will always be applauded in this House, which enables us to repress the arrogance of France.

The Earl of *Westmoreland*:

My lords; though the warmth with which the noble lord has defended the motion, and the confidence with which he asserts the propriety and efficacy of the measures to which it relates, are such proofs of the strength of his conviction as leave no room to doubt his sincerity; yet as the same arguments do not operate upon different minds with the same force, I hope I shall not be thought less sincere, or less studious of the public happiness, or the honour of the crown, though I presume to differ from him.

In the motion now before us, I cannot concur, because, though it should be allowed to contain a just representation of foreign affairs, yet it appears to me to omit those considerations which I think it the duty of this House to offer to his majesty. This nation is, in my opinion, exposed to enemies more formidable than the French; nor do I think that we are at leisure to defend the liberties of Europe, till we have made some provisions for the security of our own; or to regulate the balance of power, till we have restored our constitution to its ancient equilibrium.

That there are flagrant proofs of the most enormous corruption throughout the whole subordination of public offices; that our public funds are only nurseries of fraud, and that trust of every kind is only considered as an opportunity of plundering, appears evidently from the universal prevalence of luxury and extravagance, from the sudden affluence of private men, from the wanton riot of their tables, the regal splendour of their equipages, and the ostentatious magnificence of their buildings.

It is evident likewise, that corruption is not confined to public offices; that those who have lost their own integrity, have endeavoured to destroy the virtue of others; that attempts have been made to subject the whole nation to the influence of corruption, and to spread the contagion of bribery from the highest to the lowest classes of the people.

It is therefore necessary before we engage in the consideration of foreign affairs, to prosecute the enquiry which was begun in the last session, to trace wickedness to its source, and drag the authors of our miseries into the light.

These, my lords, are the enquiries which the general voice of the people importunately demands; these are the petitions which ought never to be rejected; all parties are now united, and all animosities extinguished; nor is there any other clamour than for enquiries from parliament.

The other House, my lords, has been engaged in the laudable attempt to detect those who have betrayed or plundered, or corrupted, their country; and surely we ought to have so much regard to our own honour, as not to suffer them to toil alone in a design so popular, so just, and so necessary, while we amuse ourselves, with applauding the sagacity of our ministers, who, whatever they may hope themselves, or promise others, have not yet prevailed on any foreign power to concur with them, or to interpose in the affairs of the continent, And therefore I cannot conceal my suspicion, that instead of furnishing any subject for panegyrics on our policy and caution, we are now wasting our treasures, and our strength in a romantic expedition.

Since therefore, my lords, our domestic evils seem to me most dangerous, I move that in order to their speedy remedy, and that the people may see we do not forget their immediate interest, this Addition be made to the Motion now before us:

"And humbly to assure his majesty, that we will apply our constant and persevering endeavours to calm and heal animosities and divisions, unseasonable as they are at all times, and most pernicious in the present juncture, which the true fatherly tenderness of his majesty, out of the abundance of his constant care for the rights and liberties of his people, has so affectionately at the close of last session recommended from the throne, by searching thoroughly and effectually into the grounds, which are or may be assigned for public discontent, agreeably to the ancient rules and methods of parliament."

This additional clause being delivered in writing to the Lord Chancellor, he read



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it to the House, but said that his lordship spoke so low, that he could not tell where he proposed to have it inserted.

The earl of *Westmoreland* then directed him to read the motion, which done, he desired that his clause might be added at the end.

Lord *Raymond:*

My lords; the Addition which the noble lord has offered to the Address proposed, cannot, in my opinion, be properly admitted, as it has no relation to the preceding clauses, but is rather inconsistent with them. Nor do I think it only improper with regard to the other part of the motion, but unnecessary in itself; since it has no reference to his majesty's speech, now under our consideration; since it will facilitate none of our enquiries, which may be carried on with equal vigour without any such unseasonable declaration of our design. If, therefore, the motion for the amendment be not withdrawn, I shall move that the first question be first put.

The question was then put upon the marquis of Tweedale's motion, and it passed in the affirmative, without any division.

*The Lords' Address of Thanks.*] The Address was as follows:

"Most Gracious Sovereign,

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your majesty our sincere and humble Thanks for your most gracious Speech from the throne.

"The support of the House of Austria, and the restoring and securing the balance of power, are of so great moment, as well to the essential interests of this nation in particular, as to the liberties of Europe in general, that we esteem it our peculiar felicity, in this critical and dangerous conjuncture, to have a prince upon the throne, who not only shews the most gracious regard to the advice of his parliament upon this important subject, but takes all opportunities to confirm and animate them in the pursuit of it. We acknowledge, with hearts full of gratitude, your majesty's royal wisdom and effectual care in carrying on this great work, which has appeared in nothing more than in sending so considerable a body of your forces into the Low Countries, and in strengthening them afterwards with your electoral troops, and the Hessians in the British pay. By this step, so honourable to your majesty, and so advantageous to your allies, your majesty has demonstrated that you prefer this glorious cause to all other considerations, and have formed such an army, as may at once defend and encourage those powers who are well intentioned, and give a real assistance to the queen of Hungary: and we beg leave to assure your majesty of our cheerful and zealous concurrence and support in this necessary measure.

"The good effects, which the vigour exerted by Great Britain, under your majesty's authority and influence, in assisting its ancient allies, and maintaining the liberties of Europe, hath already had upon the affairs of the queen of Hungary, upon the conduct of several powers, and the state of Europe in general, are visible to all the world. It is with the utmost satisfaction we observe them; and rely on your majesty's known care and attention to the public welfare, to pursue and improve them; and we cannot but entertain well-grounded hopes, that so great an example, and a steady perseverance in the same measures, will inspire the like spirit and resolution into other powers, equally engaged by treaties and common interest, to take the like part.

"Your majesty has laid before us so just a representation of the importance of our deliberation at this time, as cannot fail to make an impression upon all true lovers of their country, equal to the dignity and weight of it. Permit us on our parts, to give your majesty the strongest assurances that we have the honour and safety of your majesty, the true interest and prosperity of your kingdoms, the security and advancement of their commerce; the success of the war against Spain, and the re-establishment of the balance and tranquillity of Europe, entirely at heart. These shall be the constant objects of our proceedings and resolutions, from which we will never depart; being firmly determined to support your majesty in all just and necessary measures for attaining those great and desirable ends, and to stand by and defend your majesty, and your government, against all your enemies."

*The King's Answer.*] His majesty returned this Answer:

"My Lords,

"The duty and affection, which you express in this Address, for my person

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and government, are accompanied with so great zeal for the common cause, and the true interest of my kingdoms, as gives me the utmost satisfaction. I thank you heartily for it; and doubt not but your vigorous support, so early and unanimously given, will have the best effects, both at home and abroad."

*Debate in the Commons on the Address of Thanks.*] The Commons being returned to their House,

Lord *Hartington* rose and moved, "That an humble Address be presented to his majesty, to return his majesty the Thanks of this House for his most gracious Speech from the throne; to express our great satisfaction at the constant attention his majesty has been graciously pleased to give to the advice of his parliament; and to assure his majesty, that, as we think the support of the House of Austria, and the restoring and securing the balance of power in Europe, are inseparable from the true interest of these kingdoms, we have a grateful sense of the early care his majesty took in forming such a force in the Low Countries, as might be of service to those great and desirable ends; which, we are satisfied, could not, at that time, have been so readily and effectually done, as by his majesty's sending a body of his electoral troops, together with the Hessians, to join the British and Austrian forces in those parts; and that this House will cheerfully and effectually support his majesty in all such necessary measures; to congratulate his majesty on the happy turn of affairs in the North; and to declare, that we are fully convinced, that it is owing to the spirit and vigour, which his majesty has shewn in the defence of his allies, that the king of Sardinia has been enabled to act a part so useful to the common cause, and that the queen of Hungary has been encouraged to bear up amidst extreme difficulties, and notwithstanding the numerous enemies sent against her; to assure his majesty that this House will grant to his majesty such supplies, as shall be found necessary for perfecting the great work in which he is engaged, for prosecuting with vigour the just and necessary war with Spain, and for maintaining the honour and security of his majesty and his kingdoms; and that in all our deliberations we will endeavour to make manifest to the world, that we have nothing so much at heart as the honour of his majesty, the support of his government, and the true interest of his crown and kingdoms."

This motion being seconded, a debate ensued,* in which several members objected to the same, as implying too hasty an approbation of the measures of the ministry.

Sir *Watkin Williams Wynn* spoke as follows:

Mr. Speaker; what happened towards the end of last session, gave me a strong suspicion, that our new ministers would not only tread the steps of the old, but would endeavour to improve every bad precedent introduced by any of their predecessors: their conduct since that time has added to this suspicion; and the motion now made to you has confirmed it. Every one must remember how violently some gentlemen in both Houses of Parliament have for several years been exclaiming against the late custom of making long complaisant Addresses to the crown, by way of answer to his majesty's Speech from the throne; and with how much zeal they endeavoured to persuade us, to return to our old custom of presenting a short general Address upon such occasions. Yet no sooner have those gentlemen got into power, and I believe but a very small share of it, than they quite alter their tone, and propose to us a much longer, and, I think, a more parasitical Address than was ever proposed by any of their predecessors.

Surely, Sir, they must have a most contemptible opinion of this House, if they expect, that we should plunge into high encomiums upon measures which we know nothing of, and assert facts which it is not possible for us to tell whether they be true or not. If we comply with such a request, I must say, they or their successors, for I foresee their reign will not be long, will have reason to cry out with the Roman emperor, they are shocked with the slavish complaisance of the British senate. When I say this, Sir, every gentleman must see, that I point at those expressions in the motion, which propose our declaring that we have a grateful sense of the early care his majesty took, in forming such a force in the Low Countries, as might be of service to the support of the House of Austria, and restoring the balance of power; that this could not have been so effectually done as by his majesty's sending a body of his electoral troops into those parts; and that the king of Sardinia's being enabled

* From the London Magazine.

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to act a part useful to the common cause, and the queen of Hungary's being encouraged to bear up amidst her difficulties, are owing to the spirit and vigour his majesty has shewn in the defence of his allies.

For God's sake, Sir, what have we now before us, that can give the least authority for any of those flattering declarations? His majesty's Speech, indeed, seems to give some sort of authority, but it is an established maxim in this House, to look upon that as the speech of the ministers; and ministers, we know, are not very scrupulous in asserting facts, which, they think, may tend to a justification of their conduct, as is manifest from many speeches during our late administration, and particularly from that Speech made by our ministers in the year 1726-7,* which is, perhaps, one of the longest and most stuffed with bold assertions, that was ever attempted to be passed upon a British parliament; and every one may now see the misfortunes naturally flowing from the conduct which that Speech was intended to justify. The facts asserted in that Speech were such as have since appeared to be false, and, indeed, they were such as from the very nature of things would have appeared suspicious to an independent and unprejudiced parliament; we therefore never ought, in our Address, to repeat any of those facts mentioned or referred to in the Speech from the throne; much less in our Address, to declare our satisfation with regard to any circumstance that may probably, upon a strict examination, appear to be false, which is, I think, the case with regard to several circumstances mentioned in this proposition. That his majesty has sent a few of his British troops to Flanders is certainly true, and, I believe, we shall very soon find it to be so, by the demands made upon us for their support and transportation; but how they can, in that country, be of any service to the queen of Hungary, or to the restoring of the balance of power, is more than I can comprehend, unless it could be said, that the Dutch are to join with us, in order to form an army for attacking France upon that side; and if I am rightly informed, the contrary of this is true; for, I believe, they have declared to us, that whoever strikes the first blow in that part of the world, they will look upon as their enemies, and will treat them as such. But suppose, Sir, that the force we have sent to Flanders could there be of any service to the queen of Hungary, or the balance of power, can we say, it has been done early? Early with regard to what, Sir? Surely, it cannot be said to have been done early with regard to the season of the year; for the time for action was almost over before they were sent there. And with regard to the war now carrying on against the queen of Hungary, I am sure, it cannot be said to have been done early; for if it had not been for the surprising fidelity and bravery of her own subjects, and the more surprising ill conduct of her enemies, she had been obliged to submit to a carte-blanche long before we sent a man into Flanders. This word, 'early,' can therefore be supposed to relate only to our new ministers; and in this case it ought to have a consequence which I wish it may, but it is such a one as they, I believe, do not wish to see. It ought to engage us in an enquiry, why this was not done by our former minister; for if it is such a wise and such a necessary step in our new ministers, why was it not thought on? Why was it not made by our old?

For these reasons, Sir, the sending of our troops to Flanders is a measure which we ought not to precipitate ourselves into an approbation of: At least we cannot, I think, say to his majesty that it has been done early. As the affair cannot yet come properly before us, I shall not determine myself upon either side of the question; but in the light it appears to me at present, I cannot think the measure right, and if it was, I am sure we cannot say, it was early enough undertaken, unless we design our Address for our new ministers and not for our sovereign. This part of the proposition I cannot therefore agree to, and the next is really surprising. To desire this House to assert positively, that a proper force could not be formed in Flanders without taking Hanoverians into our pay, before we have had any one proof of the fact laid before us, is really a piece of assurance in our new ministers, superior to any that was ever practised by any of their predecessors. Whether we have amongst us, now the Blue Ribbon is fled, any one that is of his majesty's cabinet council, I do not know; but this, I am sure, is a fact that cannot be asserted by any but such as have been for some time there; and therefore I must beg of our ministers not to desire us to assert a fact which we neither do nor can know any thing about. I think it highly improbable, that we could

* See Vol. 8, p. 523.

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get no troops to hire in all Europe, besides these Hanoverians; and if there were any other troops to be had in Europe, they might have been marched into Flanders time enough for any use we can make of them; for it is certain, we cannot now make use of them, either in Flanders, or any where else, till next spring, before which time it is as certain, that troops may march to Flanders, from the remotest corner of Europe.

I shall not anticipate the debate, Sir, either upon our sending our own troops to Flanders, or upon marching the Hanoverians and Hessians thither; but I must observe, that as things appear to me at present, if we design that our troops should be of any real service to the queen of Hungary, we should have sent our own troops to Hanover, in order to have formed such an army there, as might have prevented M. Maillebois's march to the relief of Prague, or to have drove him and all his ragamuffins back to his own country; for if we had formed a sufficient army in Hanover, and had been ready to attack him, or follow him, I believe he would hardly have ventured to have marched his army into Bohemia; and if he had been forced to march back to his own country, I believe all the French troops then in Germany would soon have been at the mercy of the queen of Hungary, and the Emperor would have been obliged to come to an accommodation with her, upon such terms as we had thought fit to propose. This, Sir, I shall grant, is foreign to the present debate; but it is a very good reason for our resolving to say nothing in our Address either about sending our own troops to Flanders, or about marching the Hanoverians thither. If our ministers are fond of having compliments from this House upon their measures, I hope they will stay till those measures are brought properly before us, and then our compliments will come with a greater, and a much more desirable weight.

The late turn of affairs in the north, I shall allow, Sir, to be happy both to this kingdom and to Europe; because it has disappointed the tools of France in Sweden, and may bring some of them to the block. I wish, I saw some French tools nearer home brought into the same sort of danger. But let that turn be as happy as it will, we have no business with congratulating his majesty upon it, because it implies, as if we thought it owing in some measure to the conduct of our ministers; whereas it is entirely owing to the wisdom of the Russian court, the conduct of their generals, and the bravery of their troops.

I shall likewise grant, Sir, that the present conduct of the king of Sardinia is of great use to the common cause; and that the queen of Hungary has bore up in a very surprising manner amidst the many difficulties she has been, and still is surrounded with; but I cannot be so complaisant as to say, that either the conduct of the king of Sardinia, or the courage of the queen of Hungary, is owing to the spirit and vigour our ministers have shewn in the defence of our allies. I say, I cannot pass such a compliment, because I do not think it is true. The conduct of the king of Sardinia may, indeed, be partly owing to our money, and the neighbourhood of our fleet in the Mediterranean; but it is chiefly owing to his own interest, and to the spirit which the queen of Hungary has shewn in her own defence. And as to the latter, her bearing up under so many difficulties is so far from being the effect of vigour shewn by our ministers, that all the difficulties she has been brought into are owing to the conduct of our late minister; for if he had made any one right step upon the death of the late emperor, I am persuaded, the French would not have dared to send a man into Germany, nor would the duke of Bavaria have dared to attack the queen of Hungary. It is true, our new ministers have made at least a shew of a little more spirit and vigour than their predecessor; but as yet it is but a shew, and before they made even that shew, the queen of Hungary was extricated out of her greatest difficulty, by the bravery of her troops, and the treacherous conduct of the French towards the king of Prussia.

I have now, Sir, gone through this long complicated motion. I say complicated, because it is evidently made up of professions of duty and affection to his majesty, and of compliments to the ministers upon their conduct. As to the former part of it, I shall be for making those professions as strong and explicit as you please: I shall even be for enlarging them if it be desired; but as to the other part, I think, we ought never on such an occasion to pass compliments upon the conduct of our ministers, and especially such as appear evidently false. I hope I have shewn that all those desired by this motion are such, or at least highly improbable; therefore, I hope, the hon. gentleman will leave them

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all out, and content himself with that part of his motion which contains our professions of duty and affection to his majesty only.

Sir *William Yonge:*

Sir; I hope I shall never be accused of having opposed a proper and dutiful return to his majesty's speech from the throne: I was always of opinion, that when his majesty is graciously pleased in his speech to descend to particulars, and to give us some account of the state of our public affairs, we are in duty bound to return an answer, of some kind or other, to every particular mentioned in his majesty's speech; and I do not well know what gentlemen mean when they say, this is contrary to the custom of our ancestors. I am sure, Sir, this method of addressing has been a custom ever since I can remember, and I believe it has been the custom ever since our kings have been pleased to give us any particular account of our affairs in their speeches from the throne. This, it is very well known, was not the custom in ancient times; for in those days the king made but a very short speech, perhaps a general compliment to the two Houses, and left it to his Chancellor to descend to particulars, and to give the parliament an account of the state of public affairs, and the reasons for calling them together.

In those times therefore, Sir, it was right in both Houses to return a general answer; for they could not with any propriety take notice, in their address to the king, of any thing that had been said to them by the Lord Chancellor. But it being now the custom, and a most gracious and respectful custom, I think, it is: I say, it being now the custom for the king himself, in his speech from the throne, to communicate to us a particular account of the state of our affairs, we ought at least to be as respectful to him as he is to us; and consequently, in our Address, to take some notice at least, of every thing he has been pleased to mention. Nay, as our addresses upon such occasions are never held to be an approbation of any measure mentioned in them, we ought to make some sort of compliment upon every thing he has been pleased to say, unless the measure be evidently wrong, and such as will certainly meet with a censure, in that session of parliament.

This being the case, Sir, I think there is nothing proposed by this motion but what may be safely, and I think, ought in duty to be agreed to. We have not, it is true, as yet had time to consider fully every particular circumstance in his majesty's Speech, and proposed to be inserted in our Address; but, in my opinion, there is no measure mentioned in either, that appears evidently to be wrong. I am convinced, that upon a thorough examination they will all appear to be right, and will receive the approbation of this House. As to our sending our troops to Flanders, though I do not pretend to be in the secrets of the cabinet, yet from those circumstances that were publicly known I must conclude, it was not only right but necessary for us to send a body of our troops to the continent, in order to shew to those who secretly, perhaps, inclined to enter into an alliance with us against the ambitious projects of France, that we not only would, but were ready to protect them against the resentment of that powerful and aspiring nation. And if it was necessary for us to send a body of our troops to the continent, Flanders was the most proper place we could send them to, for answering this purpose, not only because it was the most centrical, but because we could from thence, with the greatest ease, carry the war into France itself, in case that court should resolve to send any more of its troops into Germany, or to attack any of those powers that might declare in our favour.

This had accordingly, Sir, the intended effect: it not only prevented the French from sending any more troops into Germany, but it prevented their sending any troops to the assistance of the Spaniards in Savoy. Would our sending our troops to Hanover have had this effect? Could we thereby have drove M. Maillebois back to his own country? No, Sir, the French being then secure against any attack upon their own dominions, if M. Maillebois found he could not safely march directly into Bohemia, he would have marched up the Rhine towards Alsace, and after being joined there by a fresh body of troops, he would have marched to Bohemia, and thereby have made that country the seat of war, which would have been dangerous for the queen of Hungary, and extremely inconvenient for us. At the same time, and for the same reason, the French would have sent a body of troops to the assistance of the Spaniards in Savoy, which would have forced the king of Sardinia to desert his alliance with the queen of Hungary, and



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to accept the terms offered by France and Spain. Besides these disadvantages, Sir, there is another of equal consequence, which would have attended our sending our troops to Hanover: it would have furnished the king's domestic enemies with a pretence for saying, that England was going to be involved in a war for the sake of Hanover; and this pretence, though very ill grounded, might have had a fatal effect upon the minds of our common people, and perhaps upon the minds of our soldiers.

From these considerations, Sir, it is apparent, that Flanders was the only proper place we could send our troops to; and as they could not by themselves, even after being sent there, have any great effect upon the councils of France, it became necessary to increase our force there, by the addition of foreign troops, hired from some potentate or other. Whether we could get any other troops to hire beside those of Hanover, I shall not take upon me to determine; but I can see no reason why we should not take the troops of Hanover into our pay as soon as any other; and in the present case, they were certainly the most ready, because they were nearest, and because an agreement for taking them into our pay could be much sooner concluded, than an agreement for such a purpose with any other prince or potentate in Europe. In the circumstances we were then in, the season for action was not in the least to be considered. We were to give spirit to the friends of public liberty: we were to give terror to its enemies, by forming a great army in Flanders; and this was to be done as soon as possible.

This, Sir, was to be his majesty's care: it is this we are to declare our grateful sense of; and this care his majesty took as early as the circumstances of the affairs of Europe would admit. We need not therefore be at a loss to find out what the word 'early' relates to. It neither relates to the war, nor to our new ministers: it relates only to that turn the affairs of Europe took by the peace concluded between the courts of Vienna and Berlin. Whilst the court of Vienna continued obstinate with regard to the king of Prussia: whilst that prince continued firm to his alliance with France and Bavaria, we could not so much as think of giving any assistance by our armies to the queen of Hungary, or of forming any confederacy in her favour; but no sooner did this become practicable by these two courts beginning to give ear to our mediation, than his majesty began to think of forming such a force in the Low Countries, as might be of service to the queen of Hungary, and to the restoring and securing the balance of power in Europe.

Now, Sir, with regard to the happy turn of affairs in the north, as it is and must be acknowledged to be a happy turn with regard to Europe as well as this kingdom, we have reason to congratulate his majesty upon it, whether he had any hand in bringing it about or no; and therefore our congratulation can be no implication of our thinking that he actually had. But suppose it were, I should be for agreeing to it, because, I am convinced, it is true; and from the very nature of the thing we must believe it to be so. His majesty had a minister at the Swedish court: he had another at the Russian; can we think, that those ministers had not instructions to labour with all their might to bring about a reconciliation between those two powers? I shall grant, that the wisdom of the Russian councils, the conduct of their generals, and the bravery of their troops, contributed not a little towards rendering his majesty's endeavours successful; but can we suppose, that the king and senate of Sweden would publicly have made a requisition of his majesty's good offices, if they had not before hand been informed, not only that his majesty was ready to employ his good offices in their favour, but also that his good offices would have great weight at the Russian court? I wonder how any gentleman can doubt of this, and I much more wonder how any gentleman can object to our congratulating him upon an event, which he himself allows to be happy for this kingdom as well as for Europe.

As to the conduct of the king of Sardinia, it is so evidently owing to the engagements his majesty has entered into with that prince, and to the vigorous conduct of our squadron in the Mediterranean, that I am surprised to hear that part of the motion objected to; and as to the courage or resolution of the queen of Hungary, I shall grant it was surprisingly great, even before we thought, or could think of sending any troops to her assistance; but though I would avoid as much as possible, saying any thing that might look like a reflection upon that illustrious princess, yet I must say, that her conduct with regard to Prussia was

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to be called obstinacy rather than courage and resolution; for if she had continued to hold the same conduct with regard to him, it would have been impossible for her to extricate herself out of her difficulties: it would have been impossible for us, or for any power in Europe, to have given her effectual assistance: but since her concluding a treaty with that prince, by means of his majesty's mediation, her bearing up against the united armies of France and Bavaria, may properly be called courage or resolution; and this is certainly owing to the vigorous measures his majesty began to take upon her entering heartily into a treaty with the king of Prussia.

Thus, Sir, I hope I have shewn, that there is no real foundation for objecting to any part of the motion now before you; and that it would be a want of respect in us, not to take some sort of notice, in our Address, of every thing his majesty has been pleased to communicate to us by his Speech from the throne. This, I hope, you will avoid being guilty of: if you consider the present circumstances of affairs, I am sure, you will avoid it with the utmost caution. Europe engaged in a war which may end in the overthrow of its liberty: this nation engaged in a war which may end in the ruin of our trade and navigation: in these circumstances would you do any thing, would you neglect any thing, that might be construed as a want of respect to your sovereign? Would not this dishearten our friends, would it not encourage our enemies? What terrible consequences should we not then have reason to expect? I must therefore beseech gentlemen not to give themselves up to cavilling upon this occasion. If they think any part of our late conduct wrong, there is nothing now proposed that can prevent their censuring it when it comes properly before them. Why, then, should they object to the most respectful Address that can be thought of upon this occasion, when they must be sensible, that the more respectful it is, the more unanimously it is agreed to, the greater and the better effect it will have upon our affairs both abroad and at home?

Major *Selwyn*:

Sir; I rise not up to enter minutely into the purport of what is now moved and seconded, an undertaking, Sir, rather too delicate for one whose retirement from this place may be deemed a misfortune, and I look upon it as such, because of that laudable spirit which was frequently exerted in the last parliament, much beyond what I ever knew, during the time I formerly sat here. God be thanked, Sir, I have seen it again revived, without the least innovation in our parliamentary constitution.

In that light I look upon the motion now before you, Sir, with respect to the form of this Address. But alas, Sir, fond as we are of modern precedents, yet it were to be wished that such of them, and such only had been followed, as were most conducive to the honour and dignity of parliaments. The amiable precedents left us by our most worthy ancestors, are the strongest instances, that they in their greatest exigencies of state, had nothing so much at heart as to gain the good opinion of all mankind; and this they happily effected, because their conduct in this place so justly deserved it. As they were always apprised, that honour consists not in the power only of any assembly whatsoever, but in the opinion the people have of their virtue; a principle strictly honourable, exalting the mind above hopes and fears, above favour and displeasure, because uniform and consistent with itself; their addresses were dutiful, though short, yet suitable to the time they were allowed to sit, where in struggling hard for the liberties of the people, they sometimes lost their own, and some their lives for only daring to be free. Thus gloried they in a true public spirit, and had the comfort to say, "Temporibus malis ausi sumus esse boni;" therefore, their names and memories are still revered, and so they ought to be in all future ages. They never held a long Address crammed with a volubility of compliments, as essential to loyalty; no, they said loyalty well became the dignity of their House, but as for all fawning complaisance, that they properly confined within the boundaries of the Court of Requests, and would not so much as suffer it to insinuate, no nor yet to creep up the lobby-stairs.

Sir, upon my observation of this House, I am thoroughly convinced, that there is not one of us, but must think it requisite to support the honour of the king, the honour of the nation, and his own honour; which having all but one and the same natural centre, we cannot avoid being unanimous in the most essential proofs of our loyalty, by giving true and faithful advice, as the faithful Commons of Great

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Britain, pursuant to the tenor of the writ that calls us here.

Sir, I have but one objection to the form of this Address, which is its length, and I cannot see why a composition of so many dutiful expressions should not stand by themselves, by way of congratulation only, without a promise or grant of supplies in the tail of it. Thus the motion stands at present, and this I cannot think right; because in our critical situation to resolve precipitately upon a supply, although in general terms, I think is dangerous and immethodical. Such a resolution would be much more proper for the work of another day, when it might be attended to with a more mature deliberation. I know it hath been often urged in this place, that a resolution taken and agreed upon the first day of a session, for a supply, as a part of our Address, is a mere matter of form only; but, Sir, I have sat long enough within these walls to have seen forms and figures too, most essentially misapplied. It is, therefore, to obviate such inconveniences as may again arise by this modern practice, that I shall take the liberty to end what I have yet to say, with a motion; for I shall never be for this House coming precipitately to any resolution with regard to supplies, notwithstanding my being one of those that shall never think our lives or fortunes too much for the support of this state: a state that can never be too fond of its freedom and civil rights, which our neighbours have long since lost by their own meanness and corruption, holding their all in vassalage and base tenure.

Sir, I have read that Constantine the Great accounted the purse of his subjects as his exchequer: but we may justly fix the exchequer of our sovereign in a more noble situation, even in the hearts of his subjects; and why? Because he has always found his paternal care and maintenance of our ancient rights and liberties to be the surest basis of his glory: a glory doubtless it is, to be at the head of a brave and a free people: brave because we are free: people may be desperate and irrational; but none can be truly brave, unless they are free. Our people pay their taxes and imposts with all that cheerfulness and alacrity that becometh dutiful subjects, not doubting of their money being well applied, and doubting still less of their having an account of its appropriation; for believe me, Sir, in all cases of public enquiry, a fair and candid reckoning with the people, will be the surest means for making their allegiance still to sit tight about them. Crafty inventions may pick the purse of the people; but nothing can legally and fairly open it, but a parliament which lets in the eye of sovereignty upon all the public calamities of the state, and shews a becoming vigilance for the preservation of our ancient rights and privileges, which I must beg leave to say were always a little precarious, and never so totally established as upon the arrival of the present royal family. Since then it is but natural to preserve the root of our immediate happiness, how can we enough admire the glorious branches, nay even the tenderest twigs, which with the blessing of Providence, and our hearty prayers for them, must grow into so beautiful a shade, by nature formed to shelter and protect you from the violence, oppression and arbitrary power which neither we nor our forefathers were ever able to bear.

However, let us enjoy the more immediate prospect of such halcyon days as we may reasonably expect from the conduct of the present administration, and especially too if we consider, Sir, how much the change of men and measures hath already wrought a happier change in the face of affairs upon the continent, where the distresses of a great princess have prevailed upon you to undertake her moving cause; so that I cannot help flattering myself, that this administration will not so strictly follow the tract of their predecessors: though one cannot recollect or fix any period of time when this nation ever was the object of the care of our ministers in the first instance, as it ought always to have been; or that even after the Revolution, there ever was a contest among them, which should out-do the other in acts of resentment for injuries done to this their mother country.

Surely, Sir, if that had been the case, you had not heard of so many pernicious treaties formed abroad, no, nor yet of so many late scandalous contracts at home, to the detriment of our friends, fellow-soldiers and countrymen. Nevertheless, whatsoever may have been otherwise suggested by some without doors, yet it is to be hoped, that time will convince them too, that it was impracticable to corrupt the fountain, or to strip the third estate of its freedom and independency; and that it cannot be thought a crime for the present parliament to bear some resemblance of such as were once the glory of this nation;



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for as independency is the greatest comfort that can attend the individual, so it never centers in the body politic, but it immediately becomes a national benefit, and in return you will always be rewarded with the applause of the people, to whom, indeed, you owe no small regard: for surely, Sir, it was high time to shut close Pandora's box, at the close of the last session, or such a complication of distempers as were therein contained, must have infected the very air we breathe, with their infernal vapours; and although I cannot allow that, 'Terras Astræa reliquit,' is applicable to us, yet I could never hear or read of any government whatsoever, that had for a long series of time been supported by corruption, but a saying of my friend Horace always occurred to my mind,

'O cives, cives, quærenda pecunia primum
'est:
'Virtus post nummos.'—

Yet to prevent such disasters as may hereafter happen again to affect our state, why should we not revert to that ancient and laudable practice of our ancestors, in letting grievances and supplies go hand in hand together, and like them too, always take care to begin right, with a dutiful and short Address? Therefore my humble motion is, That this Address may consist of congratulations only.

Sir *John Barnard:*

Sir; as I shall, I believe, give my vote for the Address proposed, I think it incumbent upon me to give the reasons which prevail with me to do so, because they are very different from those that have been insisted on by most gentlemen who have spoke in favour of the motion. It is not, Sir, because I now begin to approve of our making compliments to our ministers upon every part of their conduct, before we have examined, or know any think about it: it is not because I approve of every step that has been lately taken, or because I think the happy change in the face of the affairs of Europe is owing to the spirit or conduct of our ministers: but it is because of the extreme danger to which I think the liberties of Europe as yet exposed, and the necessity there is for this nation to act with the utmost spirit and vigour, in order to extricate Europe from that danger; therefore I shall be against our opposing this new administration in any thing we can safely agree to, lest it should furnish them with a pretence for following the example of their predecessor. I wish they had been a little more modest in the motion they have now made to us: I wish they had shewn a little more regard to what some of them have so often recommended upon the like occasions; because it would have been a testimony to the people, that they have not changed their sentiments with their situation; and that their former opposition to such addresses proceeded from principle, and not from their having no share in drawing them up. Such a conduct would have convinced the people without doors, that we within have always acted from motives of a generous and public nature, and not from corrupt or selfish motives, either upon one side or the other; for, in my opinion, there is very little difference between a gentleman's voting always with the court, for the sake of a pension or pecuniary gratuity, and another's voting always against it, for the sake merely of forcing himself into the administration. The latter may have more pride or ambition than the former, but their motives are equally corrupt, and when discovered, equally tend to overthrow our constitution, by destroying that principle of action, I mean a disinterested love for the public good, upon which alone a free government can subsist.

For this reason, Sir, I must deal plainly with our new ministers by telling them, that, so far as relates to our domestic affairs, if they go on as they have begun, they will do more real harm to our constitution than our late minister ever did, with all his schemes, for corruption and arbitrary power; because they will make the people believe, that our contention here never was, nor ever will be, about the preservation of our constitution, or the public good of our country, but about titles, places, pensions, and preferments; and if this opinion should ever prevail generally among the people, they will give over supporting any opposition to the administration for the time being: nay they will rejoice to see parliaments entirely laid aside.

I shall grant, Sir, that with regard to foreign affairs, our conduct seems to be a little altered: our new ministers seem to act with more vigour, and to shew a little more regard to the preservation of the liberties of Europe, than their predecessor ever did; but I question much if this be owing to their virtue or public spirit, so much as to their complaisance towards the crown. The late haughty and insulting behaviour of the French towards a certain

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foreign court, has, I believe, produced an alteration in the politics of that court, and that alteration may probably have had an influence upon our court here at home. This alteration, I shall readily admit, is lucky for Great Britain as well as Europe; because it obliges our ministers, or at least leaves them at liberty, to pursue the true interest of both; but I cannot easily admit, that this change in our measures proceeds from the late change in our administration, for the extreme complaisance our new ministers have shewn to the crown, with regard to domestic affairs, convinces me, that they would have shewn the same complaisance with regard to foreign affairs, and would have been as ready to have sacrificed the liberties of Europe, as they now seem ready to sacrifice the liberties of their country to a wrong bias in the crown, had it unhappily taken such a bias. But, thank God! it has taken a right bias, at least with regard to foreign affairs; and as fortune seems to favour that bias, I hope our ministers will make the best use of it: I am sure, I shall be against our refusing any thing we can with safety comply with, that may tend to encourage them in the prosecution of those measures they now seem resolved to pursue: and as the Address proposed is allowed on all sides to be nothing but a matter of mere compliment; as it does not tie us down to approve of any measure that has been concerted, if upon a proper examination we should see good reason to find fault with it, therefore, since it has been asked, I shall be for complying with it.

But my compliance in this respect does not proceed from my approving of our making panegyrics upon every part of our ministers' conduct, in our Address to our sovereign; and if this must be the consequence of his being so gracious as to communicate to us, from his own mouth, a full state of our affairs, and all the particulars of his past conduct so far as his ministers may think proper, I wish, this piece of condescension were laid aside; but I can see no reason why this complaisance in us should be a necessary consequence of such a gracious condescension in our sovereign; nor is it true, that this complaisance and condescension were at the same time introduced; for in former times, especially in the reigns of king James and king Charles, the speeches from the throne were much longer and more particular than they are at present, and yet in those days the parliament never thought itself bound to return a long address, nor did they in their address take notice of any thing mentioned in the speech; because though it was made by the king, they looked upon it as the speech of the minister, and very often, the first notice they took of it was, after due consideration, to remonstrate against several things contained in it.

Whether we may have occasion to remonstrate against any of the measures mentioned in this Speech, is what cannot now, nor even in this session, I think, be determined. If a proper use be made of the forces sent from hence, and from Hanover to Flanders, I hope, we shall not. It will give foreign powers some reason to think, that we are now sincerely resolved to assist the queen of Hungary, to the utmost of our power, and this, I think, we ought to do, if we give her any assistance at all. This may encourage some of them to shake off those shackles of fear, they seem now to have upon them; and considering our conduct for many years, I think, it was become necessary to give some speedy and solid proof of our sincerity in this respect. I shall not therefore pretend to find fault with our sending a body of our troops to Flanders, till I see what use is made of them. I hope, those who advised putting their country to such an expence, were well assured of its being in their power to make a proper use of the troops we have sent thither, before they advised sending them. If it should afterwards appear, that they had no such assurance: If it should hereafter appear, that this army has been sent out, as our squadrons have formerly been, only as a raree-shew for our neighbours to stare at, I must now enter my protestation, that my approving of this Address shall be no argument with me to approve of the measure.

As for the Hanover troops, Sir, we have as yet no reason to suppose, that they are to be taken into British pay. The electorate of Hanover is as much obliged, both in honour and interest, as we are, to support and assist the queen of Hungary; at least we know as yet of no advantage it is to reap by her destruction; and as no addition has upon this account been made to the armies of that electorate, we must suppose it sufficiently able to maintain those troops in Flanders, or any where else, as well as at home. The people there have been lately relieved from some of their most burdensome taxes, which is a pleasure and an advantage the people of this country have never yet met with; there-

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fore if the present revenue of Hanover be not sufficient for maintaining those troops in a foreign country, that revenue may be increased by a revival of those taxes. I therefore hope, his majesty will not desire to lay upon his British subjects the burden of maintaining his Hanover troops in Flanders. He has expressed no such desire in his speech from the throne; and as we are not by this motion desired to promise to take this burden upon ourselves, I can see no reason for our bringing the affair of the Hanover troops into this debate. If the electorate is to be at the expence of maintaining them in Flanders, I believe every British subject will approve of his majesty's sending them there; and if this nation should be desired to bear the charge, it will be time enough to consider it when the demand is actually made.

I am far from thinking, that our sending our troops to Flanders, or the march of the Hanoverians thither, has as yet been of any service to the common cause; and I have some suspicion that the king of Sardinia's declaring so openly against the designs of the Spaniards in Italy, proceeds rather from a connivance in France, than from any spirit or vigour we have hitherto shewn; for as it is not the interest of France to increase too much the Spanish power in Italy, and as it is their business to defer as long as possible the accomplishment of the queen of Spain's designs in that country, or at least to convince her that she cannot accomplish them without their assistance, it is highly probable, they have privately intimated to the king of Sardinia, that his opposition to the Spaniards would rather be a pleasure than an offence to them, especially as he was thereby to disburden us of a little of that treasure which, for many years, we have been ready to throw away upon any project, except such as might tend immediately to our own advantage. I am likewise not very apt to believe, that the peace between Muscovy and Sweden is owing to the influence, or the dexterity of the ministers we had at either court. But, Sir, as both these events must be allowed to be for the interest of the common cause, and may in some measure be owing to the late change in our conduct, I cannot be against congratulating his majesty upon them; and as our complimenting the crown upon every extraordinary event that happened in our favour abroad, has of late years been customary, I shall not be for our shewing ourselves more cool than usual at this dangerous and critical conjuncture; lest our ministers should from thence take a pretence to say, that our coolness upon this occasion had destroyed their credit at foreign courts, and thereby prevented their being able to form such alliances as might have been sufficient for restoring a balance of power in Europe, and giving effectual assistance to the queen of Hungary.

*The Commons' Address of Thanks.*] Several other members, who usually appeared in the opposition, declaring their approbation of sir John Barnard's sentiments of the measures of the ministry, it was resolved, by a majority of 259, against 150, to present the following Address:

"Most Gracious Sovereign,

"We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave to return your majesty our sincere thanks for your majesty's most gracious Speech from the throne.

"It is with the greatest satisfaction, that we have seen the constant attention your majesty has been graciously pleased to give to the advice of your parliament; and, as we think that the support of the House of Austria, and the restoring and securing the balance of power in Europe, are inseparable from the true interests of these kingdoms; we desire, in the strongest manner, to express our grateful sense of the early care taken by your majesty in forming such an army in the Low Countries, as might be of service to those great and desirable ends: and as we are satisfied, that a force sufficient for that purpose could not have been so readily assembled, as by your majesty's sending a body of your own electoral troops, together with the Hessians, to join the British and Austrian forces in those parts; we are determined cheerfully and effectually to support your majesty in all such necessary measures.

"We beg leave to congratulate your majesty on the happy and unexpected turn of affairs in the north: we assure your majesty, that we are fully convinced, that it is by the vigour and spirit shewn by your majesty in defence of your allies, that the queen of Hungary has been principally encouraged to bear up amidst extreme difficulties, notwithstanding the numerous armies sent against her; and we are persuaded, that the same spirit and vigour have enabled the king of Sardinia to act a part so useful to the common cause;

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to which the vigilance and activity of your majesty's fleet in the Mediterranean have so remarkably contributed.

"Your faithful Commons assure your majesty, that they will, with the greatest alacrity and readiness, grant such Supplies as shall be found necessary, for perfecting the great work, in which your majesty is engaged, for prosecuting with vigour the just and necessary war with Spain, and for maintaining the honour and security of your majesty and your kingdoms.

"Your faithful Commons, in all their deliberations, will endeavour to make manifest to the world, that they have nothing so much at heart as the honour of your majesty, the support of your government, and the true interest of your majesty's crown and kingdoms."

*The King's Answer.*] The King gave this Answer:

"Gentlemen:

"I thank you for this dutiful and affectionate Address, and for the great marks of confidence you repose in me. The extraordinary Supplies, that I am obliged to ask of my people, have become necessary for supporting that cause which is inseparable from the true interests of my kingdoms. You may be assured I shall wish for nothing more, than an opportunity to ease my subjects of all those extraordinary charges, which the present exigency of affairs may require."

*Debate in the Commons on the Place Bill.*] December 3. Mr. *Cornewall* moved, "That leave be given to bring in a Bill for the better securing the Freedom of Parliaments, by limiting the Number of Officers in the House of Commons."

Sir *Watkin Williams Wynn* seconded the motion thus:

Sir; as this motion was last session agreed to, and as the Bill itself was brought in, and in every step approved of, by this very House of Commons, I should with great confidence of success rise up to second this motion, if I did not from experience know, that gentlemen often change their sentiments with their situation, and that a gentleman, after he becomes a placeman, begins to entertain notions of the prerogatives of the crown and the liberties of the people, very different from those he entertained whilst he was a plain, honest, country-gentleman. If any thing like this should happen in the present debate, it may tend to disappoint the motion, but with all those who are neither placemen nor pensioners, I am sure, it ought to be an argument in its favour; and, I hope, it will prevail with some gentlemen, who in former sessions opposed this motion, to alter their sentiments and their way of voting upon this occasion, when they have such a plain proof before their eyes, that if a place does not induce a man to vote against his honour and his conscience, it at last biasses his judgment, and makes him conclude that to be wrong which he before thought and declared to be right.

Another strong argument in favour of this motion, Sir, is the melancholy and distressed condition which the affairs of Europe, as well as of this nation, are now reduced to. We have for near thirty years been in a course of approving and supporting almost every political measure the crown seemed resolved to pursue: with regard to foreign affairs, we have approved and supported every one of them without exception: thank God! I have had no concern in this general uninterrupted approbation: I have at the respective times publicly declared my dislike of many of them, and yet I am far from thinking, that any of those who approved, voted at any time against the plain dictates of their conscience; but I am convinced, that many of them were biassed in their judgements by the fears of losing the places they possessed, or the hopes of getting the titles, places, or preferments they expected. In all political disputes it is very easy to impose upon gentlemen, who have never made that science their study, and are never let into any secrets of state unless with a design to deceive them; therefore in all such cases, I have great charity for those who happen to differ from me in opinion. But when the wickedness or folly of the measures begins to appear from the fatal consequences they have produced, my charity begins to cease with respect to those who persevere in their opinions, and refuse coming into any method for preventing themselves or their successors in this House from being deceived by the same bias towards a court.

I have, Sir, as great an opinion as any gentleman can, as any gentleman ought to have, of the honour and impartiality of those who are members of either House of Parliament; but it is arguing against common sense, common reason, and common

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experience, to pretend, that no member of this House will be biassed in his opinion, or influenced in his voting, by 500 or 1,000, or perhaps 5,000*l.* a year. It has in all countries and in all ages been held as an established maxim, that no man ought to be allowed to sit as judge, or even as a juryman, in any cause where he is to get or lose by the event of the suit; and as we sit as judges, almost in every case that can come before us, between the people and their sovereign, or those employed by him in the executive part of our government, surely no man ought to be allowed to sit here, who is to get or lose the whole, or the chief part of his substance, by the judgment he passes upon any affair depending in this House.

In former times, Sir, when we had no standing army, nor any officers of our army kept in continual pay: when we had no navy or ships of war but such as were fitted out when occasion required, and commanded by officers appointed by those that fitted them out; when we had no excises, nor excisemen: when we had few or no taxes, and as few tax-gatherers; it was not necessary to have any such law enacted: because no public officer then ever thought of getting himself chosen a member of parliament. Whilst he remained in pay, he was obliged to attend the duty of his office, and consequently could neither attend the business, nor be chosen a member of parliament. This is the true reason why the high sheriff of a county cannot even now be chosen a member of this House; and when this maxim was first established, I am persuaded, it was a maxim observed with regard to every other public officer; but as it was established by common law, or, as the lawyers call it, common reason only, it fell by degrees into disuse, and public officers of all ranks and degrees may be, and are now chosen members of parliament, except high sheriffs, and some few others who have been disqualified by express statute.

Thus, Sir, our constitution stands at present, and as the number of our public officers of all kinds, and in all stations, has been of late years vastly increased, and is every day increasing, as their yearly profits and emoluments have been vastly augmented, and as their power is growing every year more and more extensive, they have now a great sway in all our elections, especially those for our cities and boroughs, so that in a few years we may, nay we must expect, that a majority of this House will always consist of such as hold or expect offices, places, or private pensions, at the pleasure of the crown; and what justice or mercy the people can expect from such a House of Commons, common sense, I had almost said, common experience may instruct.

For this reason, Sir, if we have a mind to preserve our constitution; if we have a mind that parliaments should ever be of any use to the king or his people: if we have a mind to prevent a parliament's being a cumbersome clog to a good king, and a cruel instrument of oppression in the hands of a tyrannical one, we must pass a law for limiting the number of officers in this House; and this we ought to be the more ardent to have speedily done, because if we are once caught in the snare, it will be impossible for us ever to escape; for if a majority of this House should ever once come to consist of a majority of officers and placemen, it is not to be supposed they would pass a Bill for their own exclusion. Upon the contrary, if they should entertain the least jealousy of their not being able to get themselves, or a majority of such as themselves, chosen at a new election, they would, by the authority of a late precedent, continue themselves, or they would pass an Excise Bill, or some such Bill, for giving the crown an absolute command over a majority of our elections; and thereby establish an arbitrary power of the most expensive, cruel, and tyrannical kind, I mean an arbitrary power supported by a corrupt parliament and a numerous mercenary army. To prevent this, Sir, I rise up to second the motion made by my worthy friend. I shall always endeavour to prevent it by my vote in this House, and if ever it should become necessary, by the risk of my life and fortune in the field.

Mr. *Edward Walpole:*

Sir; as I have sometimes conversed with some of our young lawyers, who are more ready than the old ones to communicate their knowledge without a fee, I have from them learned this maxim, 'Nolumus leges Angliæ mutari.' This I take to be a good maxim with regard to law, and I take it to be no less a good one with regard to politics. We know, we have for many ages experienced the happiness of our present constitution; but no man can foretell what will be the consequences of any material alteration; for which reason

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I am, and shall always be against an alteration, or what the projectors are always pleased to call an amendment, unless I have very sensibly felt the inconvenience of what is proposed to be amended. In the present case, perhaps my want of feeling may proceed from my want of experience; but young as I am, as I have the honour to be a member of this House, I think myself bound to judge for myself, and not to pin my faith upon the feeling or experience of any other gentleman; and therefore, I hope, I shall be excused if I differ from the two hon. gentlemen who have made and seconded this motion.

I shall readily admit it to be a right maxim in private affairs, not to allow any man to sit as a judge in a cause where he has an interest in the event of the suit. This, I say, Sir, is a right maxim in private affairs; but in those relating to the public it is impossible to admit it; for every man of the society must have an interest in every thing that relates to the society in general; and besides this general interest, there is hardly any thing comes before us, in which the private interest of many amongst us has not a particular concern upon one side or other. In one of the most important kinds of affairs that comes before this assembly, every man has a private interest in being against what is proposed by the court. When I say this, Sir, I believe, you will readily suppose, I mean the business of granting money for the public service. As this money must be raised upon the subject, every subject, and consequently every member of this House, must have a private interest in refusing the grant; and it is certain, that nothing but his regard for the public welfare, or his expectation of some favour from the crown, can prevail with him to consent to a public grant, which must necessarily take from him some part of his private property.

In passing of laws, Sir, the case is the same. There was never, I believe, a law passed in this House, which did not some way or other injure the property, the privilege, or the friends or relations of some of the members; and many laws have been proposed here, which were inconsistent with the public good, but tended to promote the interest of some of the members. In all such cases nothing but a superior regard for the public good, or an expectation of some favour from the crown, can tempt men to vote against their private interest. And even in cases where private interest can have no concern, the satisfaction of private passions, such as resentment, (just or unjust, makes no difference) malice, envy, and the like, must always become a sort of private interest or motive with many gentlemen in this House, to oppose what is proposed by ministers, or to propose or support what may tend to distress their measures; and nothing but a superior regard for the public good, or an expectation of some favour from the crown, can prevail with such men to act contrary to what would give them such an exquisite pleasure as the gratification of any violent passion.

In all these cases, I hope gentlemen's concern for the public good, is generally such a prevailing motive as to overcome every motive of a private nature; but however generally this may be the case, our constitution has not trusted entirely to it; and therefore it has provided the crown with the disposal of all honours, and many other favours, to be distributed as a reward to those who, in all their actions, shew a disinterested regard for the public good, or as a temptation to the selfish and interested for drawing them off from factious measures, or for inducing them to join with the government in such measures, as are really calculated for the service of the public. This, I say, Sir, has been provided by our constitution, and in my humble opinion, it is a most wise and necessary provision; for, I believe, it would be impossible for the most prudent and just administration, to govern such a numerous assembly, and to prevent its being often influenced by faction, if the crown had no such favours to bestow.

I shall grant, Sir, that those favours may sometimes be misapplied: they may by some administrations be bestowed upon those only that shew a blind obedience to ministers, without any regard to the public; and this may enable ministers to get some things passed in parliament, which would otherwise have been rejected with disdain; but if ministers were forming designs against the public liberty, or pursuing measures that manifestly tend to the ruin of the nation, I do not believe, that all the favours the crown has now to bestow, could procure a parliamentary approbation of such designs or measures; because nothing but private interest could prevail with men to approve of such measures or designs, and every man, qualified to be a member of this House, would find



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a private interest in opposing them, I mean the preservation of his own estate; and that he would look upon as an interest superior to any pension, place, or office, the crown could bestow; for he would consider, that if the nation were ruined, his private estate would be sunk in the general desolation; or if an arbitrary government was set up, his property in his estate would become precarious; and every man of common sense will prefer an estate of 300, or 600*l.* a year, secured by the laws of a limited government to him and his posterity, I say every man of common sense will prefer such an estate to an estate, salary, or pension of ten times the value, depending upon the will of an arbitrary sovereign.

We have no occasion therefore, Sir, to dread the introduction of arbitrary power, from any number of officers being members of this House, as long as those officers are possessed, in their own right, of estates of more value than any precarious post or pension the crown can bestow, and this we have already provided for sufficiently by express statute; but if we were to exclude all or the greatest part of our officers, civil and military, from having seats in this House, it would, in my opinion, certainly introduce anarchy, which must necessarily be followed by arbitrary power in some shape or other; for if the crown had no power to reward any member of this House for shewing a disinterested zeal for the public service, nor any temptation to throw in the way of the selfish or factious, it would often be impossible to obtain the consent of such a numerous assembly, even to the most necessary measures of government; and the wheels of government being thus entirely stopped, a state of anarchy would ensue, in which case we may suppose, that all our officers, civil and military, would rank themselves upon the side of the crown; and the members of this House being without interest or character, either in our fleets or armies, we may easily judge what the consequences would be; for if the gentlemen concerned in the executive part of our government, should once perceive it to be impossible to carry on our public affairs, by the authority of what some gentlemen are pleased to call an independent parliament, they would certainly join with the crown in laying parliaments entirely aside.

Having mentioned, Sir, what some gentlemen are pleased to call an independent parliament, I must observe, that they seem thereby to mean an assembly of men, no one of whom is governed or biassed in the least by any regard to his own interest or advancement in the world, and that this assembly should be chose by electors as disinterested as themselves; such a choice, Sir, as well as such an assembly I must look on as altogether Utopian and imaginary: we may please our imagination with such representation, but no such thing had ever any real existence. Therefore, I shall always call a parliament independent, if no violent or forcible means are used for compelling the electors, or the members, to vote according to the directions of him that makes use of such means; and it is by such means only that our constitution can be overturned; for mercenary considerations alone, without the interposition of any compulsive method, will never tempt men to consent to what would render those very considerations precarious, which would be the infallible consequence of overturning our constitution and establishing arbitrary power; therefore, I shall never think our liberties in any danger, as long as the crown neither has it in its power, nor attempts to make use of any violent method for directing any man's vote either at elections or in parliament. The expectation of a reward may induce a man to vote with the court in questions that are doubtful, and where it is not quite evident to him, which side of the question is most for the public good; but when the court side of the question is apparently inconsistent with the public good, or almost directly tending to the overthrow of our happy constitution, though I have no very great opinion of the virtue or public spirit of mankind, I have so good an opinion of their common sense, that I am convinced, no mercenary expectation could prevail upon a man of any fortune or figure in his country to vote with the court in such a question. Nothing but the fear of losing his life, his liberty, or his private estate, could in such a case prevail; and as long as no such method is attempted to be made use of, we have nothing to fear from the honours or offices in the disposal of the crown. By a cautious and prudent distribution of those honours and offices amongst the members of this House, the ends of faction may be disappointed, but the constitution can never be overturned.

I hope it will now appear, Sir, that this

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question is not of so clear a nature as the gentlemen who moved it seem to imagine. It is a question of such a perplexed nature, that it is very excusable in any gentleman to change his sentiments with regard to it; and therefore, if any gentleman should now appear against it, who formerly appeared to be for it, it would be very uncharitable to conclude, that this alteration in his conduct proceeded from an alteration in his situation. We ought in charity to suppose, that his sentiments with respect to it are really changed; and I believe, every gentleman who is transferred from being a country gentleman to be a minister of state, will find more reason for a change of sentiments in this respect, than he ever before suspected he should. He will then acquire a knowledge of mankind, which he never could before acquire: he will then be able to penetrate further into the private views by which men are actuated, and he will see how difficult it is, to get a majority of this House to unite in the most prudent and necessary measure that can be thought of. This may furnish him with very sufficient reasons for a real change in his sentiments, and if any such change should appear in this debate, it ought, I think, to be a strong argument with all those, who have upon former occasions appeared against this question, for adhering to their former opinion.

Then, Sir, as to the distressed condition which the affairs of Europe, or the affairs of this nation are in, I shall grant that the affairs of Europe are in a very distressed condition at present, but as to the affairs of this nation, I cannot conceive them to be in any distressed condition; and if I did, should avoid insisting upon it in such a public assembly, at a time when a good opinion of our affairs at foreign courts is so necessary for giving weight to those negociations we must be supposed to be carrying on, for forming a confederacy in opposition to the ambitious views of those that have long been enemies to public liberty. But thank God! whatever may be said by some gentlemen in this House, no foreigner who knows any thing of this nation can suppose, that our affairs are in any sort of distress. Our public credit is so well established, that instead of receiving a shock from the present confusions in Europe, it has rather been improved; and though our trade may suffer a little in one branch by our present war with Spain, yet notwithstanding the interruption it meets with from Spanish privateers, it is certainly now in as flourishing a condition as ever it was in any time preceding. We have, it is true, still remaining a great load of public debts; but this is not owing to any mismanagement at home, but to the many broils we have been of late years engaged in by the ambition of foreign courts, and to the great tenderness both his late and present majesty have shewn towards their people, especially the landed interest.

Our own affairs therefore, Sir, can afford no argument for shewing, that ever our parliament has been prevailed on by a corrupt influence to approve of any wrong measures; and as to the affairs of Europe, though they are at present in great confusion, I am sure, it can no way be imputed to any misconduct in our administration. Will any gentleman pretend, that our war with Spain was provoked by any rash step in our ministers? Can it be said, that we gave encouragement to the king of Prussia, or the elector of Bavaria, to attack the queen of Hungary; or that we encouraged the French to send their troops into Germany, or the Spaniards to send their troops into Italy? Are not all the confusions in Europe owing to the ambition or obstinacy of foreign courts, and not to any misconduct of ours? Has not our court tried all the methods that could be thought of, for preventing or putting an end to those confusions? The parliament had therefore good reason to approve of all our foreign measures, and consequently that approbation could not be owing to their judgments being biassed, or their votes directed, by any favours enjoyed, or expected from the crown.

Therefore, Sir, as we have never suffered any prejudice from the number of officers in this House; as we have no reason to apprehend danger from any number that can be in it, in any future parliament; and, as I think, that the excluding them from seats in this House would be of the most dangerous consequence to our constitution, I must be against the motion.

Lord *Strange*:

Sir; as we seem to improve every day in those doctrines that are introductory of arbitrary power, the doctrine of corruption has this day been pushed farther than ever I believe it was in this House. It has been represented not only as a harmless but a necessary implement of government; and all the laws we have for excluding pensioners, and several sorts of officers, from having seats in this House,



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may, by the same sort of reasoning, be proved to be subversive of our constitution, and introductory of anarchy, confusion, and arbitrary power. If a gentleman of a small estate, or of an estate, however large, that cannot supply the wants of his luxury or avarice, cannot be supposed capable of being induced, by any mercenary motive the crown can throw in his way, to consent to grants or regulations, or to approve of measures that tend towards the introduction of arbitrary power, or that appear to be inconsistent with the public good, why should we exclude pensioners, why should we exclude the commissioners and officers of our customs and excise, from having seats in this House? If the power of granting pecuniary and mercenary rewards to members be so necessary for the managing of this House, and for answering the necessary ends of government, why should we in any respect abridge that power, which, if never so extensive, can do us no harm, and which, if too much abridged, may overset both our government and constitution? Surely, no man of common sense would make the least approach towards a precipice, if he could keep his distance without the least danger or inconvenience; therefore, if we admit this doctrine, we must suppose those parliaments void of common sense, in which the laws we now have for excluding pensioners and several sorts of officers were agreed to.

But experience in all ages and all countries, Sir, must convince us, that this doctrine is false, deceitful, and pernicious. In all countries where arbitrary power ever was, or is now set up, corruption was the footstool upon which it mounted into the throne. By corruption men are induced to arm their magistrates, or supreme magistrate, with such powers as enable them to destroy, first the essence, and afterwards the very face of public liberty. Whilst arbitrary power is in its infancy, and creeping up by degrees to man's estate, no doubt it will, it must refrain from acts of violence and compulsion. It will by bribery gain the consent of those it has not as yet got strength enough to compel; but when it is by bribery grown up to its full strength and vigour, even bribery itself will be neglected, and whoever then opposes its views will be ruined, either by open violence, or false informations, and cooked up prosecutions.

I shall grant, Sir, that if the question were put in plain and direct terms, no man, or at least very few, would agree to give up their property in their estates, for the sake of a much greater estate or pension, depending upon the will of an arbitrary sovereign. But such a question never was, nor ever will be put by those who aim at arbitrary power. They always find specious pretences for some new power, or some little increase of power, and then another new power, or another little increase of power, till at last their power becomes by degrees uncontroulable; and men of corrupt hearts are, by mercenary motives, prevented from considering or foreseeing the consequences of the new or additional powers they grant. It is, I think, highly probable, that Julius Cæsar had laid the scheme of enslaving his country, before he obtained the province of Trans-Alpine Gaul. For this purpose he rightly judged, that it was necessary to get a great army under his command, and by his continuance in success in that command, to render that army more attached to him than to the laws and liberties of their country. For obtaining that command, and for continuing in it, he knew he must depend upon the votes of his fellow citizens; and that for his success in it he must depend upon his own conduct. If he had told his fellow citizens that he wanted from them such an army as might enable him to oppress the liberties of his country, they would certainly have refused it: notwithstanding the avarice, luxury, and selfishness then prevailing amongst them, he could not by all his bribery have got them to agree to such a direct question. He therefore at first proposed to them only to give him the command of Cis-Alpine Gaul, with Illyria annexed, which by bribery, and by having insinuated himself into great favour with the people, he obtained, and by the same means he got the Trans-Alpine Gaul added to it. This gave him the command of a great army, and the people being blinded by his largesses and his successes, they continued him in that command till he made his army so absolutely his own, that it established him in arbitrary power, and so effectually destroyed the liberties of the people, that they could never again be restored; for the short interval between his death and the establishment of his successor, Augustus Cæsar, was no free or regular government, but a continued series of usurpation, murder and civil war.

If the people of Rome, Sir, had foreseen the consequences of their favours to Julius

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Cæsar, they would certainly have refused granting him so many; but they were so blinded by their corruption, that they did not consider the consequences. This destroyed irrecoverably that glorious republic; and this will destroy every republic, where any one man has wealth or power enough to corrupt a great number of people. Let us consider, Sir, in what liberty and property truly consists, and we shall see, that where any one man has in his power a large fund for corruption, both may be absolutely destroyed, and an arbitrary power established, before people become generally sensible of their danger. A man's liberty consists in its not being in the power of any man or magistrate, with impunity, to imprison or kill him, or inflict any personal punishment upon him, unless he has been formally tried, and justly condemned by that method of trial, and by those laws, which have been established, and are approved of by the majority of the society to which he belongs. Property again consists in a man's being secure of enjoying, and transmitting to his posterity, what has been left to him by his ancestors, or acquired by his own industry, unless the whole, or some part of it, be taken from him, in pursuance of laws that have been established, and are approved by the majority of the society to whice he belongs. Whilst this is the case, every man of the society enjoys liberty and property in their full extent; and this will be our case as long as our elections and parliaments remain free from any influence, either compulsive or corrupt.

But suppose, Sir, a majority of our House of Commons consisted of such as held lucrative places from the crown, and suppose a judge were to be brought before them, who, for the sake of some corrupt consideration, had, at the desire of the crown, illegally and unjustly condemned and imprisoned many of his fellow subjects; would not the crown, I mean the ministers of the crown, endeavour to protect such a judge? Would not they give hints to their officers in this House, that a dismission would be the certain consequence of their giving a vote against this tool of a judge? And can we suppose, that many of those officers would chuse to lose a place of 500*l.* or 1,000*l.* a year, rather than give a vote in favour of this judge? Sir, I have a very great opinion of our present judges, but without any reflection upon them, I will say, that it is upon the independency and integrity of our parliaments that we must depend for the integrity and impartiality of our judges; for the crown has many ways to reward a pliable judge, and as many to punish an obstinate one: nay, if parliaments were once become dependent upon the crown, an obstinate integrity would of itself be sufficient for getting a judge removed by the Address of both Houses of Parliament; for if the majority of parliament were such as depended upon the crown for getting or holding some lucrative employment, they would be easily persuaded, that such a judge had done injustice to the crown, or had fomented sedition by shewing favour to the seditious, and under this pretence, they would vote for addressing to remove him, without considering, that they thereby established arbitrary power, and made not only their own estates, but their lives and liberties dependent upon the arbitrary will of their sovereign; for by this precedent all our judges would be convinced, that they must take directions from the ministers of the crown in all prosecutions, trials, and causes that might afterwards come before them; and what man could say, he had any liberty or property left, if the ministers of the crown had it in their power to take his life, liberty, or estate from him, whenever they pleased, by a false accusation, and a mock trial?

Even after such a fatal turn in our constitution, as long as a spirit of corruption prevailed among the people, and the court kept within the bounds of common decency, there would be no occasion for any compulsive methods either at elections or in parliament, because the ministers would always find people enough that would be ready to take their money or their favours, and in expectation or return would agree to vote as directed; but if by the ridiculous conduct of the court a spirit of liberty should arise among the people, the violent and compulsive methods usual in such cases would he made use of. Informers, or Dilatores, as the Romans called them, would be found out and retained, and spread over the whole nation, in order to bring false informations against those who dared to oppose the court either at elections or in parliament; and in both, men would be forced to vote according to the directions of a minister, in order to preserve that property by a slavish subjection, which they had before been endeavouring to encrease by a villainous corruption.

After what I have said, Sir, I hope, I

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need not particularly mention all the other methods, by which a corrupt dependent parliament may sap the foundations of our constitution: ensnaring laws may be made, or the laws we have for securing our liberties may be repealed or suspended, upon various pretences, without a corrupt man's being sensible, that he is thereby exposing his own estate to the precarious tenure of arbitrary power. On pretence of a sham plot or a pretended disaffection, the Habeas Corpus act, that corner stone of our liberties, may be suspended for a twelvemonth, and under the same pretence that suspension may be renewed for another, and a third twelvemonth, till at last the annual suspension of that salutary law may go as glibly down as the Mutiny or Malt-tax Bill now does; for when these two Bills were first introduced, no man supposed, they would ever become Bills of course, to be passed without opposition in every succeeding session of parliament.

The keeping up a Standing Army in this island in time of peace, was always till the Revolution deemed inconsistent with our constitution. Since that time, indeed, we have always thought, that the keeping up of a small number of regular troops is necessary for preserving our constitution, or at least the present establishment. How far this may be right I shall not pretend to determine, but I must observe, that the famous Scheme for overturning our constitution, which was published in the year 1629, required but 3,000 foot for this purpose; and if king Charles the 1st had, in the year 1641, been provided with such a number of regular troops, upon whom he might have depended for over-awing the mob of the city of London, his fate, I believe, would have been very different from what it was. I am very far from thinking, that such a very small number, even now our people are so much disused to arms, would be sufficient for overturning our constitution; but there is a certain number which would be infallibly sufficient for this purpose, and it is not easy to determine how near we may now be come to that number. Now, suppose we are come within 2 or 3,000 of that number, and that a minister, in order to render his success against our constitution infallible, should upon some specious pretence or other, desire the parliament to consent to an augmentation of 2 or 3,000 men to our army; can we suppose that such a small augmentation, upon a plausible pretence, would be refused by a parliament, chiefly composed of officers and placemen? Can we suppose, that any man would risk his losing a lucrative employment, by voting against such a small augmentation? Some civil powers to be executed by civil officers, and some military powers to be executed by a standing army, or a standing militia, are certainly necessary in all governments: I am afraid, it is impossible to preserve a free government, when all those powers are lodged in one single man; but when they are not only lodged in one single man, but greatly increased beyond what is necessary for the support of a free government, I am sure the freedom of that government must soon be at an end; and it is very hard to distinguish between the powers necessary for the support of a free government, and those that are sufficient for establishing an arbitrary one: the partition is so thin that it may easily be mistaken, and certainly will be mistaken, by most of those who are under a temptation to judge partially in favour of arbitrary power.

This, Sir, must convince every true lover of liberty, how necessary it is, that no member of this assembly, or at least as few as possible, should lie under such a temptation. I shall grant, that in most things that come before this House, some of our members may have a private interest in opposing or agreeing to it, but as long as this private interest does not proceed from the favours they enjoy or expect from the crown, it can never injure the public good; because if some have a private interest in opposing, others will have a private interest in agreeing to what is proposed, and those whose private interest is no way concerned, will always cast the balance in favour of the public good. The granting of money is the only case where we can suppose the members generally engaged, by their private interest, to oppose what is necessary for the public service; but this interest is so small with regard to each particular member, that it can never be of any weight: this is demonstrated, Sir, from the whole course of our history; for I defy any man to give me an instance, where the parliament denied granting what was necessary for the public service, unless they were denied justice with regard to the redress of grievances, or unless they had well grounded apprehensions that the money would be misapplied.

But let us see, Sir, how this argument

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will stand upon the other side of the question. It is certain, that the parliament ought never to grant more than is absolutely necessary for the public service: it is likewise certain, that we never ought to grant even what is necessary, till all grievances be redressed, and our former grants regularly and strictly accounted for. This is our duty as members of this House, but shall we perform this duty, if a majority of us be greatly concerned in interest to neglect it? And this will always be the case, if a majority of us hold or expect some lucrative office or employment at the pleasure of the crown; because it will always be the interest of ministers, and even their safety may sometimes be concerned, in our not performing this duty. Suppose they ask from parliament 500,000*l.* or a million for carrying on some whimsical, perhaps pernicious scheme of their own; will a member of this House, who is to pay for his share not above 50*l.* of this sum, refuse granting it, when he is to get or hold 500*l.* or 1,000*l.* a year by consenting to the grant? Will a member of this House insist upon first redressing a grievance, by which he suffers little, perhaps no sensible prejudice, when he is to get or hold 2 or 300*l.* a year by letting it remain? And finally, Sir, will a member of this House call ministers to a strict account, by which he can never expect to put a farthing into his own pocket, when, by neglecting to do so, he may get or hold a good post or employment, and perhaps preserve a round sum which he himself has purloined from the public?

Sir, I was sorry to hear a young gentleman talk so much of men's private passions and affections, and of every man's having a view to the service of some favourite private passion, in every vote he gave in parliament or at elections. I hope the case is far otherwise, but if it is not, we ought to endeavour to make it so, by putting it out of the power (at least as far as we can by such laws as this) of any man to serve himself, by his way of voting in parliament or at elections, any farther than may result to him from the general good of his country. If we can do this: If we can put it out of the power of the selfish and mercenary to sell their votes in parliament, no man will purchase a seat there at any high price, and this will, of course, put an end to bribery and corruption at elections; for no mercenary soul will purchase what he cannot sell, and those who are prompted by their ambition to purchase, will never go to any high price, nor will they submit to be the slaves of a minister after they have purchased. Even ministers themselves would cease their bribery at elections, because they could not depend upon having their candidate's vote in parliament, if he had no lucrative office depending upon his voting always with the minister; and if the flood-gates of the treasury were not opened at any election, I am convinced, we should soon have little or no bribery in the kingdom.

Whilst there are purchasers, Sir, there will be sellers: I am afraid there are at present too many of both; but if you can make it worth no man's while to purchase, you will put an end to the traffic; and this is the design of the Bill now proposed. I have shewn, that if you do not agree to it, there will be, there must be a corrupt dependency in parliament; that by such a dependency our constitution may be overturned, without any compulsive dependency; and that the latter may be made use of by an arbitrary government, and certainly will be made use of, as soon as it becomes necessary for the support of its arbitrary power. Upon this side, Sir, the danger is certain and inevitable; let us then consider the danger pretended to be on the other. If we exclude officers, or the greatest part of them, from having seats in this House, it is said it will introduce anarchy and confusion, because it will be impossible to govern such a numerous assembly as this, without a power in the crown to reward those who appear zealous in its service; and that as soon as this impossibility is perceived, all our officers, civil and military, will join with the crown in laying aside the use of parliaments.

What the hon. gentleman may mean, Sir, by governing such a numerous assembly, I do not know; but according to the common acceptation of the word, I should be sorry to see it in the power of ministers to govern either House of Parliament, by any other method than that of convincing the majority, that nothing is proposed or intended but what is for the public good; for if either House were to be governed by the hopes of reward, I am sure it could be of no service to the people, and of very little even to the crown itself; because the design and use of parliaments is, that they may be a check upon the conduct of ministers; and no man whose behaviour

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in this House is governed by his hopes of reward, will ever set himself up as a check upon the conduct of those who alone can bestow the reward he expects. We must therefore suppose, that ministers may prevail with a majority of this House to approve or agree to what appears to be for the public service, without having it in their power to give a title, post, or pension, to every one that approves of their measures; or otherwise we must conclude, that no such House ought to exist, and, consequently, that the very form of a limited government ought to be abolished in this selfish and corrupt nation. What effect some late corrupt practices may have had upon the genius and morals of the lower sort of people, I do not know; but, I hope, it has as yet had little or no effect upon the generality of those that have any chance of being members of this House; and unless they are become very much degenerated, we must from experience conclude, that when our ministers pursue popular and right measures, they may depend upon the assistance and approbation of parliament. This, I say, we must from experience conclude, for in former ages our ministers had but few rewards to bestow, and yet they never failed of having the parliament's approbation, when their measures were such as were agreeable to the people. Nay, from the very nature of the case we must draw the same conclusion; for a House of Commons freely chosen by the people, must approve of what the people approves of: if from selfish motives they should disapprove, or oppose such measures, the opposing members would be sure of being turned out at the next election; and, as the king has it in his power to bring on a new election whenever he pleases, his ministers may easily get rid of such selfish, mean spirited members, and may, consequently, if they desire it, always have a parliament generally composed of gentlemen of true honour and public spirit; but the contrary is what most ministers desire, as has of late been manifest from the characters of those who were generally set up as candidates upon the court interest.

We can never therefore be in danger of anarchy or confusion, from its not being in the power of a minister to bribe a majority of this House into his measures, nor can we suppose that the people will rechuse a majority of those who have, in a former session, opposed what was agreeable to the greatest part of their constituents; but when bribery and corrupt motives prevail within doors, they will certainly prevail without, and then we may see a member burnt in effigy one year in the public streets of his borough, and re-chosen the year following as their representative in a new parliament: we may see the most notorious fraudulent practices carried on by the underlings in power, and those underlings encouraged by the minister, and protected by a majority in parliament: we may see the most unpopular and destructive measures pursued by our ministers, and all approved, nay, applauded by parliament. These things we may see, Sir: these things we have seen within these last twenty years; and this has brought our affairs both at home and abroad into the melancholy situation which is now acknowledged by all, and will soon, I fear, be severely felt by the whole nation.

If the present distress of our domestic affairs were a secret, I should avoid mentioning it as much as any gentleman whatever; but alas! it is no secret either to our enemies or friends; and this makes the former despise us, and the latter shy of entering into any engagements with us. We may threaten, but our enemies know we are unable to carry our threats into execution: we may promise, but our friends know we are unable to perform our engagements. This knowledge has made those who are the professed enemies of public liberty more daring in their attempts, and, I am afraid, it will render it impossible to form any confederacy sufficient for defeating their present ambitious projects; and it is so evident that this misfortune has been brought upon us and Europe by our bad œconomy at home, and our wicked, wrong-headed, or pusillanimous conduct abroad, that I am surprised to hear the contrary asserted now, when the fatal consequences of our conduct are become so glaring.

I shall grant, Sir, that the nation has been of late years involved in many broils, but I will affirm, and it has been fully proved at the respective times those broils happened, that every one we have been engaged in since his late majesty's accession to the throne, has proceeded from some scheme of our own contriving, or from some wrong step in our own administration. I shall not trouble you with taking notice of every particular, because it would be tedious, and, I think, unnecessary; therefore I shall confine my-

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self to the three wars now carrying on in Europe, I mean that between Spain and us; that between the elector of Bavaria assisted by the French, and the queen of Hungary; and that between the Swedes and Muscovites; and I shall shew, that every one of them proceeded from the ridiculous conduct of our ministers. With regard to the Spanish war, if our ministers had, at the time of the treaty of Seville, insisted upon an explanation of former treaties, which had, before that time, been misinterpreted by Spain: if they had insisted upon Spain's giving up her pretence of visiting, searching, or seizing, in time of peace, any ships in the high seas of America, on account of what they called contraband goods, I am convinced, the court of Spain would have agreed to give up that pretence, in the most explicit terms, rather than lose the advantages stipulated for them by that treaty. Even after this false step, if our ministers had properly resented the treatment our commissaries met with at the court of Spain, and had peremptorily insisted upon immediate satisfaction for the first insult our merchant ships met with in the seas of America, the Spanish court would have complied, rather than enter into a war with this nation, at the very time they were engaged in a war with the emperor in Italy. But instead of this, our ministers, ever since the year 1720, appeared so complaisant in every negociation with that court, and submitted so tamely to every insult, that the court of Spain began to imagine, that we would give up the point in dispute, rather than come to an open rupture with them; and this, I am persuaded, would have been the consequence of the late Convention, if the indignation of our people had not at last got the better of the submission of our ministers. Our present war with Spain is, therefore, evidently owing to the ill-timed complaisance and pusillanimity of our ministers, and yet this complaisance and pusillanimity was in every step approved by our parliaments, and has not even yet been censured, notwithstanding the fatal consequence it has produced, and the disappointment of all those hopes, with which our ministers so confidently flattered us, that their tedious negociations would at last end in an honourable and advantageous peace.

Then, Sir, with regard to the war in Germany, even the king of Prussia's invading Silesia was owing to the bad conduct of our ministers; for if they had insisted upon satisfaction, with regard to his claims upon Silesia, before they guaranteed the Pragmatic Sanction, they might have obtained a stipulation for that purpose from the court of Vienna, which would have prevented that invasion. But even after this neglect, they might have prevented the war now carrying on in Germany: for the king of Prussia offered such terms as ought in prudence, perhaps in justice too, to have been accepted by the court of Vienna, and would have been accepted by that court, if we had insisted upon it as the condition *sine qua non* of our giving them any assistance. If we had done this, it is evident from facts and dates, that the elector of Bavaria would never have been chosen emperor, nor would he have attacked the queen of Hungary, and in that case no Frenchman would have entered Germany in a hostile manner; for none of the French troops entered Germany, nor did the elector of Bavaria commit any one act of hostility against the queen of Hungary, till the king of Prussia was drove into their alliance by the obstinacy of the court of Vienna; and that court was encouraged in their obstinacy by our ministers, which I need not trouble you with demonstrating, because it is evident not only from the papers upon our table, but also from the Resolution of this House in favour of the queen of Hungary, before she had any other declared enemy beside Prussia, and especially from the violent speeches that were made by some gentlemen upon that occasion.

Having thus shewn, Sir, that it was by the bad conduct of our ministers that the French and Bavarians were encouraged to attack the queen of Hungary, I need not use many words to prove, that the war between Sweden and Muscovy is owing to the same cause; for from the time that war was declared by Sweden it is evident, that if the French had not resolved to send their troops into Germany, the Swedes would not have declared war against Muscovy: and consequently, if the conduct of our ministers was the cause of the French resolving to send their troops into Germany, it was the ultimate cause of the Swedes declaring war against Muscovy.

It is therefore evident, Sir, that not only the present distresses of this nation, but all the distresses and confusions in which Europe is at present involved, are owing to the late measures of our administration; and though the consequences were not perhaps at first so visible as they are at

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present, yet it cannot be said, they were not foretold; for what we now see has been often foretold both within doors and without; and, appeared manifest to a great majority of the nation, though to our great misfortune it never appeared so to a majority of this House, which I am not at all surprised at, considering the great number of placemen and expectants we had always in this assembly. That any of those placemen or expectants were wilfully blind, I shall not pretend to say: I do believe, that many, if not all of them, were imposed on by the specious pretences made use of upon each respective occasion; and I the rather believe so, because I know how easy it is to impose upon men, when their own private interest is made the harbinger of the deceit; but the misfortunes we now labour under, and the evidence from whence those misfortunes have all proceeded, ought to be a prevailing argument with us, to prevent any public deceit being hereafter introduced into this House by the same sort of gentleman-usher. That this Bill will be altogether effectual for this purpose, is what I shall not pretend to assert, but I am convinced it will have some effect; and as it is the best remedy I can think of at present, I am therefore for agreeing to the motion.

Mr. *Philips*:

Sir; as I had the honour to be one of those that received the commands of the House last session, to bring in a Bill of this nature, I cannot sit still, and not testify my approbation of it now. If ever there was a time when it was necessary to preserve the purity of this House, and to guard against the influence that the enjoyment of power and profit is too apt to have on the minds of men, this is the time, when the nation is poor, groaning under the burden of heavy taxes, and yet luxurious and extravagant in the pursuit of pleasures. Nothing can so effectually preserve this nation from ruin, as the maintaining of innate freedom within these walls, and nothing can so effectually attack and get the better of that freedom, as the allurements of places and offices, which insensibly lead men away from their first resolves, and at length, by custom and example, quite harden and corrupt them. A Bill therefore of this nature, that so evidently tends (if you will give me leave to use the expression) to 'lead men out of temptation,' must necessarily 'deliver them from evil;' therefore I heartily concur in the motion.

Mr. *Sandys*:

Sir; as it is very well known, and, I doubt not, very well remembered, that I had last session the honour not only to be one of those that received the commands of this House to bring in such a Bill, as is now proposed, but was also the first mover for it, and as I shall now be against the motion, I think myself bound in duty to my sovereign, to myself, to my country, and to the liberties of Europe, to give my reasons for this change in my behaviour, which, without an explanation, might perhaps, by some gentlemen, be presumed to proceed from motives of a mercenary or ambitious nature; and I must begin, Sir, with assuring you, that this change in my behaviour does not proceed from any change in my situation, or from any change in my sentiments with regard to the Bill itself, but merely from a change in the circumstances of our affairs both abroad and at home.

With regard to the necessity of our having such a Bill as this passed into a law, my sentiments are rather confirmed than altered by my change of situation; but, I hope, there is no gentleman in this House so deficient in that respect which is due to his sovereign, as to chuse to have his majesty's assent to any necessary Bill rather compelled than freely obtained. When I talk of his majesty, Sir, every gentleman must be sensible, that my duty as a subject, and now as a servant, obliges me to express myself with the greatest caution; but as the great king William sometimes altered his sentiments with regard to bills in parliament, I hope, I may say, without any breach of my duty, that the wisest of kings are in some cases too much influenced in their sentiments, with regard to bills offered to them by parliament, by the artful insinuations of those who have accidentally and undeservedly the honour of being in their councils. Though his present majesty's sentiments, with regard to the Bill now proposed, were never publicly known: though he never was brought under a necessity to declare them, yet we have great reason to believe, that he was last session prejudiced against any such Bill as was then passed by this House. This, I believe the majority of us were then convinced of; but we had then the misfortune to be convinced likewise, that he had no man in his councils who would attempt or presume to remove those prejudices. This made it necessary for the

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parliament to interfere, and by passing such a Bill to endeavour to remove those prejudices, by shewing him it was agreeable to his supreme, however disagreeable it might be to his subordinate councils. But thank God! our circumstances in this respect are very much altered. I hope, we are all convinced, I am sure, I am convinced, that his majesty has now some gentlemen in his councils that will take the liberty to endeavour to remove his prejudices, by shewing that such a Bill as this no way incroaches upon his prerogative, and is absolutely necessary for preserving the liberties of his people; and as soon as they have done this piece of service to their country, I am convinced, they will themselves propose the bringing of such a Bill into this House, which would certainly communicate a more exquisite pleasure to every man who wishes well to our present royal family, than can be communicated by his majesty's bare assent to such a Bill.

I shall grant, Sir, that we are obliged, and ought to acknowledge our gratitude to our sovereign, even when he does no more than barely give the royal assent to an useful, necessary, and popular Bill; but the obligation is certainly much greater, and will contribute more towards gaining his majesty the affections of his people, when such a Bill flows originally from the crown itself, and is introduced here by those who are the known servants of the crown; therefore as this Bill is an useful and popular Bill, it must be the desire of every gentleman who has a regard for the present royal family, that it should come from the crown itself; and as we have great reason to expect this from some of those who have been lately introduced into his majesty's councils, as soon as they can gain a prevailing influence there, it is well worth our while to wait a session or two, for an event which is so much to be wished for by every true friend to the Protestant establishment.

Thus, Sir, I have shewn such a difference in the circumstances of our affairs at home, as ought, I think, to prevail with every gentleman to suspend, at least for one session, his desire of having such a law passed; and with regard to the circumstances of our affairs abroad, there is likewise a difference, which ought to be an additional argument for suspending our desires in favour of this Bill. The affairs of Europe were last session at such a crisis as demanded the most vigorous resolutions in our counsels, but we had then the misfortune to have a person at the head of our administration, from whom we could expect no such resolution. From his influence we could expect nothing but an inglorious peace, or a sham war. In these circumstances a contest with our sovereign could be no detriment, but might be of great advantage to the nation, because it could produce nothing of worse consequence than such a peace or war as was to be expected from that minister's conduct, and it might produce a change in our administration. This was a reason for our pushing the Bill at that time, even though known to be contrary to our sovereign's inclination. His majesty's wisdom and goodness, and his regard for the cries of his people, at last prevailed: the obnoxious persons were removed from the administration, and in their stead have been put some gentlemen, from whom we may expect the most wise as well as the most vigorous measures with regard to our foreign affairs. They have already given us testimonies both of their wisdom and resolution. From their conduct, supported by a perfect harmony between his majesty and his parliament, we may expect a glorious peace, or a vigorous and successful war: and therefore, we ought to be extremely cautious of doing any thing that may interrupt that harmony; because such an interruption can now be attended with no advantage either to this nation or to Europe, but would certainly expose both to a ruin which might otherwise have been prevented.

Now, Sir, let us consider the circumstances in which we stand at present. We have all the reason in the world to believe, that this Bill has been represented to his majesty, by some of those that were lately about him, as an incroachment upon the prerogatives of the crown, and a step towards introducing a republican form of government. We have reason to believe, that by such misrepresentations his majesty has conceived some prejudices against it; and we cannot suppose, that those who have so lately been introduced into his councils, have yet had time to eradicate those prejudices. If this Bill should be offered to him for his assent, whilst he remained under such prejudices, he would look upon it as a most ungrateful return from a parliament to which he had made such a sacrifice: nay, he would look upon it as an attempt upon his crown, and an affront to his person; and in such a case,



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from his majesty's known courage and high spirit, must we not suppose, that he would reject it with the utmost disdain?

This, Sir, would certainly produce a rupture between his majesty and his parliament; and in the present circumstances of Europe, I tremble to think of the consequences of such a rupture. What has hitherto been the support of the queen of Hungary, what has encouraged her subjects to venture their lives and fortunes so bravely, I may say, so desperately, in her defence, has been the hopes that assistance would at last come from afar, even from the remotest corners of the British dominions. But if such a rupture should ensue, what could she or her subjects expect from us? Instead of being able to assist her, we should be involved in endless disputes, perhaps in a tedious and destructive civil war amongst ourselves: thus that brave and heroic queen would at last be obliged to submit to the power of France; and Polyphemus's favour, of our being the last morsel, would be the only one we could expect from that insolent nation.

For these reasons, Sir, though I am as great a friend as ever to the Bill now proposed, though I shall be ready to embrace the first favourable opportunity for having it passed into a law, yet I am against pushing for it at present, especially as I have, I think, good reason to believe, that I shall in a very short time have the pleasure of seeing it readily agreed to by every branch of our legislature.

Mr. *Velters Cornewall:*

Sir; notwithstanding what has been alleged, I shall take the freedom to speak my opinion of this Bill and of the present measures; and I do assure the House, I have had no share in the scramble for places. My political ambition, according to the old expression, has 'cost me many a grey groat;' it has brought me nothing. A gentleman has said, that if the Lords had expected this return, they had not passed the last Bill. We have nothing to do with the Lords, nor any reason to consult their approbation or dislike. The gentleman too makes a merit of having conducted that Bill in this House, and been the means of its passing. Do not let him take all the merit to himself. I was one of those who had the honour to receive the commands of the House to bring in that Bill, who helped to conduct it, and to procure that benefit to the people of England which they expect from it. I too, Sir, perhaps, helped to bring him into the great honour and employments he now enjoys. If I had ever solicited a place, that gentleman must have known it, but I have been only one of the rounds of the ladder by which that gentleman climbed; and now his turn is served, like some others, he is for kicking the ladder away.

You, Sir, [turning to Mr. Speaker] have set us extremely right, as you always do every thing extremely well: and I agree we must say, that every gentleman here is a man of strict uniformity and great honour. I beg I may not be thought ironical. Now, Sir, as to instructions from our constituents, suppose my instructions contained a desire that I would be for a Place Bill, suppose I had promised to be for it, and yet exerted my utmost abilities against it. Abroad, Sir, we see many strange things; within these doors, according to your admonition, we must see none. Imagine now, Sir, I had a young gentleman or pupil to advise in the regulation of his conduct, and he should apply to me to know by whose advice to form his opinion of public affairs? I should say to him, 'Prithee, hast thou no friend nor acquaintance whose advice thou canst rely on, and in whose integrity thou canst confide; apply to thy representatives, surely they will not deceive thee; for if people cannot trust their representatives, whom can they trust.' Parallel to this would be the case of a member for a city, to whom instructions conformable to his constant advice should be delivered, he should receive them, promise to observe them, and not to deceive those who had chosen him for their representative; but shortly after, having altered his own measures, should call his constituents a parcel of fools, and totally disregard what they say to him: when one observes these transactions, what must one say? I should incline to follow the example of the playhouse, and cry out in the phrase of Mr. John Trott, 'Gentlemen, have a care of your pockets.'

Sir *John Barnard:*

Sir; from what has been said by some gentlemen in the debate, I foresee, that if our parliaments continue, in time to come, as complaisant to our ministers as they have been in time past, the fate of this question under this administration, will be the same with that which was the fate of the question about reducing our army under the last. The worthy gentleman

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who was at the head of our former administration, and is now so deservedly sent to the other House, had, whilst he was a country gentleman, so strenuously opposed keeping up a numerous standing army in time of peace, that after he became a minister, though excess of modesty could never be reckoned among his foibles, he had not the assurance directly to oppose a reduction. No, Sir, during the first part of his administration he always declared himself for a reduction, as soon as a favourable opportunity should offer; but he always endeavoured to shew, that the present was not a proper opportunity, and at last both he and his friends gathered assurance enough to tell us, that even in times of the most profound tranquillity, a greater number of regular troops was, and always would be necessary, than that he had so strenuously opposed in the year 1717, when there was the highest probability of our going to be engaged in a war both with Sweden and Spain.

This, Sir, was the conduct of our former minister with regard to the annual question about reducing our army, and this, I could almost lay a wager, will be the conduct held by our present ministers with regard to the bringing in and passing this Bill. They cannot directly oppose a Bill which they have upon former occasions so often and so strenuously patronized; but though last session did, yet this session does not, it seems, afford us a proper opportunity for applying a remedy to an evil, which, they themselves allow, has brought Europe, as well as this nation, to the brink of destruction; and this, I am afraid, will be their way of reasoning, as long as they continue ministers, or at least till they become as hardened as their predecessor, which they may probably do, if they continue as long in power, and then like him, they will freely declare, that they have actually changed their sentiments, and that no such Bill ought ever to be passed.

I would not have any thing of what I have said, Sir, applied to the hon. gentleman who formerly used to sit very near me, and whose assistance I have often had in matters which I thought might tend to the advantage or security of my country. As for him, I do not doubt his sincerity, but I very much doubt his influence, and therefore if his majesty has been unjustly and wickedly prejudiced against this Bill, I am afraid, we must wait a very long time, if we resolve to wait till those prejudices be removed by his influence. But whatever be his majesty's way of thinking about this Bill, it is what we have nothing to do with. As members of this House we ought to agree to every Bill we think necessary, without regard to our sovereign's way of thinking; because in duty to him, we ought to suppose, that his sentiments will always be right; and if he should refuse the royal assent to a Bill which we think absolutely necessary for the security of our liberties, we ought in the very next session to take that method for having it passed into a law, which was taken in king William's time with regard to the Triennial Bill. I question much if it was a change of sentiments that made king William pass that Bill. On the contrary, I am apt to believe, both the king's and his ministers' sentiments were the same with what they had been the preceding session; but as the Bill was passed by both Houses the very beginning of the ensuing session, and before this House had granted the necessary supplies, that wise king foresaw, that, in the humour this House was in, he could expect no more supplies if he refused to pass that Bill, and therefore he prudently complied with the desire of his Commons, perhaps contrary to the advice of some of his chief ministers. Can we suppose his present majesty less wise, or less regardful of the desires of his people? God forbid we should. At least, I, who am no minister, but a faithful subject, will not dare to presume any such thing.

I must therefore suppose, Sir, that if the Bill had been passed last session by the other House, his majesty would have given his assent to it; for he must be sensible, that it is a Bill designed against the ministers of the crown, and not against the crown itself; therefore, I think, we ought always to be more apprehensive of its not passing the other House, than of its not receiving the royal assent, after it has passed both Houses; and as I hope I may without derogation suppose the other House more liable to the influence of wicked ministers, than we can ever suppose a wise king to be, therefore, now is the only proper time for pushing this Bill, because some, I hope, of our present ministers will promote its being passed by the other House, which is a favour we cannot, in my opinion, expect from any of them a year hence. We must, I think, get such a Bill as this passed in the infancy of an administration, or never. When ministers first enter upon their administration, they are innocent, they are fond of popularity;

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but very few of them long continue either their innocence or fondness. They soon find the sweets of being able to purchase those they cannot persuade: to this they sacrifice their fondness for popularity: thus they soon become criminal; and then their own safety makes it necessary for them to oppose the passing of any Bill that may tend not only to prevent their future, but detect their past corrupt practices.

But allow, Sir, that it would be decent in us to suppose his majesty prejudiced against this Bill by some former misrepresentations, and that he had not of himself strength of mind enough to remove those prejudices, without the assistance of some of his new ministers, we must suppose, that those ministers have already attempted it, or that they have not. If they have attempted it, and have not succeeded, we ought to interpose, because their advice will certainly acquire a new weight with his majesty, when he finds it seconded by the advice of both Houses of Parliament. And if those new ministers have not attempted, in six or eight months, what is so necessary for the happiness of their sovereign and security of their country, it must proceed either from their not having the boldness, or their not having an inclination to make any such attempt. If they have not had the boldness to make the attempt, we ought to pass the Bill, in order to give them courage, and to furnish them with an excuse for speaking freely to their master upon a subject of such importance; and if they have not had an inclination to make proper remonstrances upon this subject, I am sure, we ought to pass the Bill, in order to force them to perform what is their duty both to their king and their country.

To come now, Sir, to the argument made use of for shewing, that we have not the same reason for pushing the Bill this session, as we had in the last; they are chiefly founded upon a supposition, that we have not only changed men but measures, which, in my opinion, is a sort of begging the question; and considering what a small number of new members have been introduced into the administration, and what a great number of the former still remain in the most eminent posts of our government, it is a question which, I believe, very few will grant. But suppose this question were granted, and that our new ministers are all sincere friends to this Bill, it is a strong argument for pushing it during this session, because we do not know, but that these new ministers who are friends to this Bill, for I much question if all of them are, may be turned out before next session; and surely we have more reason to expect his majesty's concurrence in this Bill, whilst there are some gentlemen in his councils that will dare to advise him right, than we can have after all such are removed.

Thus, I think, Sir, with regard to our domestic affairs, there is no difference in their circumstances, but what is an argument for pushing this Bill, with at least as much vigour in this session as we did in the last; and with regard to foreign affairs, I shall readily grant, they now bear a much better aspect than they did a twelvemonth ago; but this, I think, is owing to the unexpected success of the queen of Hungary's arms, and to the bad conduct of the French, much more than to any change in our administration. The ridiculous, I may say, treacherous conduct of the French towards the king of Prussia, was the true and original cause of detaching him from their alliance: the views of the Hanover ministers being defeated, they became his friends, since they saw they could not with safety or advantage become his enemies: and the success of the queen of Hungary's arms having drawn M. Maillebois away from their frontier, left them at liberty to concert new projects. These changes our old minister, with all his blundering, would, I believe, have taken advantage of, as well as the new, and might perhaps have done it with as great effect, and perhaps with a less expence to the nation, than the new have done; for though we have already been put to a monstrous charge, it cannot be said, that our new ministers have as yet given any assistance to the queen of Hungary, but what we may suppose the former minister would, in the same circumstances, have been as ready to give as they; so that we cannot justly suppose our conduct, with regard to foreign affairs, to be in the least altered.

But suppose, Sir, that our new ministers are to act in the most vigorous manner: suppose they are to involve the nation in a war with France, is this a reason for our delaying to take care of our own liberties? Shall we sacrifice our own liberties for the sake of preserving the liberties of Europe? Did such a thought ever enter into the heads of our ancestors? On the contrary, Sir, we know, that in times of the greatest

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foreign danger, they took care to vindicate their domestic liberty, and never upon that account scrupled a contest with their sovereign, if he refused to comply with their just demands. The memorable contest in king Richard the 2d's time, when the French had an army and a fleet actually ready to invade the nation, will and ought to be a precedent for all future parliaments; and the Triennial Bill itself was extorted from king William in the very heat of a French war. Therefore, the foreign danger we are in, were it much greater than it is, can be no argument against our passing this Bill, even suppose we were sure of its being rejected by his majesty; but we are so far from being sure of this, that we have no reason to suppose it. His majesty has always shewn such a regard for his parliaments, and has so lately given us a proof of that regard, that we neither can nor ought to suppose, he will reject any Bill which is thought necessary for securing our liberties, not only by the parliament, but by a great majority of the people.

The cause of the queen of Hungary, Sir, which has been so emphatically recommended to us on this occasion, deserves, I shall grant, our highest regard. I wish the cause of her House had been more regarded by us than it seems to have been for several years past: I wish we had no way contributed to the pulling down of the power of that House; and I wish, now we are again come to our right senses, it were in our power to give her a more effectual assistance than we are able or likely to give; but if we have a mind to give her any effectual assistance, the passing of such a Bill as this will be the best way we can take for enabling us to do so. It will reconcile the people to their sovereign, and put an end to all the jealousies now reigning amongst them: it will render our government popular, which will restore to us a confidence amongst those who ought to be our allies, and enable us to form a confederacy sufficient for supporting the queen of Hungary, and restoring the balance of power. Thus, Sir, in every light we can view this question, the present is not only a proper, but the most proper time we can take, for attempting to have such a Bill passed into a law, and therefore, I hope, the motion will be agreed to.

Mr. *Carew* declared, that as he could not pretend to enforce the necessity of such a Bill, by weightier arguments, than had been formerly urged by a now right hon. member, he would beg leave to repeat them to the House: and thereupon he read Mr. Sandys's speech made in the last session.

Several members, who had upon former occasions voted for a Place Bill, gave it as a reason for their opposition to this, That as there had been a Bill passed the last session for excluding the seven commissioners of the revenue of Ireland, the seven commissioners of the navy and of the victualing offices, the clerk of the pells, and all the deputies, inferior officers and clerks of those commissions, and of the treasury, exchequer, pells, admiralty, secretaries of state, and paymaster of the forces, or of the salt, or of appeals, or of the wine-licences, or of the stamps, or of hackney-coaches, or of hawkers and pedlars, (two or three only excepted,) together with the whole civil and major part of the military establishment of Minorca and Gibraltar; there was the less necessity for another.

At length the question being put, it was resolved in the negative, Ayes 196, Noes 221.

*Debate in the Commons on continuing the British Troops in Flanders.**] December 6. The House having resolved itself into a Committee of Supply,

Sir William Yonge presented to the House, pursuant to their Address, a list of the general officers, with an account how many of them are employed and paid, and where they are at present, with the dates of their respective commissions as such, and of their first commissions in the army, which was referred to the committee of supply, as was also the estimate of the charge of his majesty's forces in Flanders; and of the guards, garrisons, and other land forces: likewise of his majesty's forces in the plantations, Minorca and Gibraltar: And of ten regiments of marines for the year 1743.

Sir *William Yonge* rose and said:

Sir; as we are now in a committee for considering further of the supplies granted to his majesty, and as the several Estimates of the expence of the Land Forces to be kept up for the service of the ensuing year, have been referred to us, it is now our business to consider those esti-

* From the London Magazine.

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mates, and to grant the proper supplies, if we think them necessary for the public safety or service. By the estimates you will see, what number of men his majesty thinks necessary for the several services mentioned, and as the estimates have been exactly calculated to the lowest farthing, every gentleman, by looking upon them will see, what sum of money will be necessary for each respective service. As this depends upon calculation, and may be easily calculated by every gentleman present, it can admit of no doubt or difficulty; therefore the only question that can come properly under our consideration, is that relating to the number of men necessary for each service; and in this too, considering the dangerous situation Europe in general, as well as this nation in particular, is in at present, I hope, we shall be pretty unanimous. As the nature of the office in which I have the honour to serve his majesty [Secretary at War,] makes it more particularly incumbent upon me to explain the nature of the several services mentioned in those Estimates, and to make the proper motions, I shall begin with that which was in course first referred to the committee, and which in its own nature stands most in need of an explanation, I mean the Estimate of the charge of maintaining the body of troops which his majesty hath sent to Flanders, and which he thinks necessary to be kept there for this ensuing year at least.

I am sure, Sir, I need not take up much of your time in explaining the danger to which the liberties of Europe are exposed, by the numerous armies which France has sent into Germany. This danger is so evident to the whole nation that the only complaint seems to be, why his majesty has not long before this time given more effectual assistance to the queen of Hungary. This complaint, it is true, can only be made by those who do not know or consider the difficulties which his majesty had to surmount, before he could give any such assistance; but as such ignorant or inconsiderate persons are by far the most numerous, this, like most other popular complaints, though without any foundation, has become very general. Thank God! most of those difficulties are now removed, and his majesty is left at liberty to give more openly, and, I hope, more effectually, an assistance to that magnanimous princess. I am far from saying, I am far from supposing, that his majesty has it in his view, to restore the House of Austria to as great power and splendor as it was lately possessed of. This is not, I think, necessary for securing the balance of power, and I doubt much if he could get any one potentate in Europe to join with him in such a project; but it is certainly necessary for us, and for most of the other potentates of Europe, to prevent the House of Austria being too much reduced, and in particular to prevent its being in the power of France, by means of the troubles which she has excited in Germany, to make any addition to her own already too extensive dominions.

This, Sir, is the great danger Europe is at present exposed to; this is the danger which we are, if possible, to prevent, and in this we shall probably get most of the potentates of Europe to join with us. Can we suppose, Sir, that France has been at such vast expence of blood and treasure, merely for the sake of the House of Bavaria? Can we suppose, she has no private view of getting some addition to her own dominions? She may declare, she may protest, she may swear, she has no such private view; but late experience must convince us, that there is no trust to be put in such protestations. In the last war she got Lorrain, notwithstanding a most solemn protestation at the beginning of that war, "That his most christian majesty did not desire to enlarge the bounds of his dominions; and further, that his majesty, content with what he possessed, and far from desiring to turn the success of his arms to the enlargement of his borders, did not scruple to declare solemnly, that he had it not at all in view to make conquests, nor to keep settlements, wherein the safety of the Germanic territories might be concerned." Yet, Sir, notwithstanding this solemn and express declaration, as soon as the emperor was forced, by the neutrality of the Dutch, to submit to French terms, his most christian majesty appropriated to himself the whole dominions of Lorrain, some of which are within the territory of the Germanic body; and all the German territories on this side the Rhine became thereby exposed to an immediate invasion, whenever France should be prompted by her ambition, interest, or resentment, to invade them.

This, Sir, may shew us, how much the declarations of France are to be trusted to; and if the queen of Hungary should be again dispossessed of Bo-

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hemia, and so much deserted, or so feebly assisted, which is much the same, by her allies, as to be forced to submit to such terms as France should prescribe, can we suppose, that in order to have Bohemia, and thereby a vote in the electoral college, restored to her, she would not yield up the Austrian Netherlands to France? Can we suppose, that the emperor would not agree to such an exchange, if in lieu of Bohemia he should have the Tirol and Trentine, and all the Austrian dominions in Swabia, secured to him by the cession of the queen of Hungary, and the guarantee of France? Can we suppose, that Spain or Sardinia would oppose such a treaty, if a part of the Milanese should be given to the latter, and the rest, together with the Mantuan, and with Parma and Placentia, to the son of the queen of Spain, now married to a daughter of France? The Dutch, it is true, would then have reason to repent of the late and present pusillanimity of their councils; but durst they attempt to oppose such an exchange? Would not they be glad to do as they did in the year 1700? Would not they be forced to approve, in the most solemn manner, of those usurpations and breaches of faith in the French, in order to get their troops back, who as they were in 1700, would then be impounded in the heart of Flanders, and destitute of any communication with their own country? Could we then propose to form a confederacy against the power of France? Could we be sure of being able to defend ourselves?

We may talk, Sir, of our being an island: we may now boast of the superiority of our naval power: we may now in a great measure depend upon it as a security against our being invaded; but in this state of things, which Europe may probably be reduced to, if we do not powerfully interfere, I am afraid we shall not long have reason to boast of the superiority of our navy. If France were again in possession of the Netherlands, and freed from all apprehensions of an attack by land, she would certainly apply herself with the utmost diligence and application to the increase of her navy, and might in a very few years be able to fit out a most formidable squadron: we know what powerful squadrons she fitted out in king William's time; and in how many sea engagements victory stood for some time in suspence, though we had at that time both the Spaniards and Dutch to assist us; though France had not then near such a trade, or such a number of seamen as she has now: though she was then obliged to keep up numerous land armies, to carry on the war, or to defend herself in Flanders, in Spain, in Italy, and upon the Rhine; and though she was then in possession but of a very small part of the Low Countries. Have we not then great reason to apprehend her becoming superior at sea, if every one of these circumstances should be altered in her favour, especially if in her war against us she should be assisted by Spain, which probably would be the case, and we without any one friend or ally that dared to give us the least assistance.

When we consider these events, which are at least possible, and, in my opinion, Sir, highly probable, we must be convinced of its being absolutely necessary for his majesty to form a considerable army in Flanders, in order at least to prevent its being in the power of France, to model out the kingdoms and provinces upon the continent of Europe, according to her good-liking, and to take what part of them she pleases to herself. This, instead of leading us into the war now carrying on in Germany, may prevent its becoming necessary for us to engage in it; because when France sees that we are resolved to interpose in the present contests in Germany, and have a numerous army upon the continent to protect such of the potentates of Europe as shall join with us in defence of public liberty, or even to carry the war into her own dominions, in case by her conduct she should force us to do so, she will then set bounds to her ambitious views, and will submit to such terms of peace as may be thought proper for restoring the balance of power, and establishing it upon a solid foundation.

The very arrival, Sir, of our troops in Flanders has already had a great and good effect. Both the emperor and France are already become much more moderate in their demands, and have offered to restore the peace of Germany upon conditions which a few months ago they would have rejected with indignation. Therefore every one must, I think, approve of his majesty's having sent a body of his troops thither: no man can suppose, that a less number would have been sufficient for the purposes designed; and every one must agree, that they ought to be kept there till those purposes are fully answer-

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ed. For this reason, I need not, I think, take up any more of your time upon this particular branch, but as several other branches of public expence are this day to come under our consideration, and as the motion I am now to make, will consequently be followed by several others, now I am up, I shall beg leave to explain a little the other Estimates this day referred to us, and to shew the necessity of each. As we are now in an open war with Spain, and as we have now, I may say openly, undertaken to set bounds to the ambitious views of France, both these powers will certainly watch for, and as certainly embrace the first opportunity for disturbing our domestic tranquillity, and therefore we ought now to be more cautious than ever of affording them any opportunity for this purpose. As we have now a sea force superior to any that both these powers united together can send against us, we can trust to it for our defence against any formidable and foreseen invasion, but we cannot trust to it for preventing a small, sudden and unlooked for invasion; and though a small number of troops actually landed in any part of Britain or Ireland could not pretend to make a conquest of either island, yet considering the great number of disaffected persons we have still amongst us, even the landing of a small number of foreign troops might very much disturb our domestic tranquillity, if we had not a sufficient number of regular troops to send against them at their first landing. If they should be allowed time to march from one place to another, and thereby afford the disaffected not only time but an opportunity to join them, their army might be so encreased as to involve us in a civil war amongst ourselves, and before we could extricate ourselves out of this domestic danger, Spain might have an opportunity to conquer or destroy some of our best colonies in the West Indies, and France to compel the queen of Hungary, and all the other powers of Europe, to submit to such terms as she should prescribe; so that at this critical conjuncture, unless we have a number of troops sufficient to repel an invading enemy, at, or soon after their first landing, a small invasion may be as fatal in its consequences as the most formidable and most successful invasion at another time; because as soon as the French and Spaniards had reduced the other potentates of Europe to their terms, that small invasion would certainly be followed by an invasion which we, with all our power either by sea or land, could neither prevent nor repel.

Thus, Sir, every gentleman must perceive, that in the present critical situation of the affairs of Europe, it is more necessary to keep a great number of troops at home, than ever it was upon any former occasion; and yet such is his majesty's regard for the ease of his people, as will appear by the Estimate, that he desires but a very few more than was thought necessary the first year of his reign, and not so many as was thought necessary in the year 1735.* But besides the necessity of keeping a large body of troops at home for securing our domestic tranquillity at this dangerous conjuncture, his majesty may perhaps find it necessary to send a few more of his troops abroad; and if this should happen, which is not improbable, we ought to be provided with a few more regular troops than are absolutely necessary to be kept at home, especially if we consider, that it is every day becoming more and more difficult to raise new regiments, or even to recruit or augment the old, than it was heretofore; for in this country, the government cannot do as it does in France: it cannot compel men to enter into the service of their country, or to draw lots for that purpose.

From these circumstances, Sir, I hope, it will be generally agreed, that the number of troops proposed by the estimate for guards, garrisons, and other purposes, relating to Great Britain, is the least number that can be thought sufficient for that service; and with regard to the forces to be maintained in Minorca, Gibraltar, and America, as the number is not proposed to be augmented, I think, I need say nothing for explaining, or for shewing the necessity of that expence; for surely no man would be mad enough to advise diminishing the number and strength of any of those garrisons in a time of such foreign danger. For the same reason, I think I need not say much upon the marine estimate, since the estimate does not propose that they should be augmented, and no man can suppose, that they are less necessary, or that the same number is not necessary for the ensuing year, that was thought necessary for the year now near expiring. For if a sudden rupture should happen between us and France, it will be impossible

* The number of forces for the year 1738, was 22,955, for the year 1735, 25,744.



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for us to get near a sufficient number of seamen to man the great number of ships of war we shall be obliged to fit out for squadrons, convoys, cruizers, and guard-ships, without putting an entire stop to our mercantile navigation. It will be necessary for us to put as many marines on board every ship of war, as the nature of the service will admit of; and if this should happen, double the number of marines now proposed will scarcely be sufficient; but as to this his majesty trusts to the wisdom, affection, and justice of his parliament, not doubting but that they will enable him to take such measures as may, upon any new emergency, appear to be necessary for the public service.

Having now, Sir, explained, in as few words as possible, the nature and necessity of the several branches of public charge which, in consequence of the estimates referred to the committee, must this day come under our consideration; and having in particular shewn the wisdom and expediency of our keeping such a body of troops in Flanders as has been lately sent there, I shall conclude with a motion to resolve, "That the sum of 534,763*l.* 5*s.* be granted to his majesty, for defraying the charge of 16,359 effective men (commission and non-commission officers included) to be employed in Flanders, for the year 1743," and after this motion is agreed to, which, I hope, it will without opposition, I shall then take the liberty to make such other motions as of course arise from the other estimates this day referred to the consideration of the committee.

Mr. *John Philips:*

Sir; I have not been long a member of this House, and how short a time may be decreed me I do not know: but while I have the honour to sit here, I am determined to speak my mind freely, and to declare my aversion to a standing army, an aversion not taken up on any distaste or distrust of the officers that have the command of it; because I believe them to be men of great honour and abilities, but founded on a maxim I have early imbibed, that a standing army is absolutely inconsistent with the liberties of Great Britain. Our naval force is our natural strength, and by means of that we have in former reigns been the terror of Europe. I would not be understood to mean, that we are to have no troops at all: a small number may perhaps be always necessary for guards and garrisons at home, and in time of war a larger number to be sent abroad. The question now before you is, Whether you shall grant 534,763*l.* 5*s.* for maintaining 16,359 men to be employed in Flanders; but as the hon. gentleman who made you this motion, opened to you the whole number of national troops proposed to be employed this year, I shall beg leave to consider them altogether, and that under two heads: the necessity of the troops, and the ability of the nation to maintain them.

The number of national troops proposed to be employed is 69,246, viz. 16,359 in Flanders: 23,610 for guards and garrisons at home and in the West Indies: 11,727, in the plantations, Minorca, and Gibraltar; and 11,550 marines. The necessity of keeping up so great a number of troops must arise from some danger the nation would be in without them; for no other argument can justify the measure. If we are in any danger from Spain, the only nation we are at war with, (and which war we seem to have forgot) surely a much less number of land forces would enable us to carry on that war, while we have so many ships in commission, and 40,000 seamen to man them; and it is by our naval force only, that we can humble that haughty nation: 12,000 men are sufficient for guards and garrisons at home, while we have so powerful a fleet to defend us from invasions. I am an enemy to the power of France, though we are in no immediate danger from her, and I think it the interest of England to maintain the balance of power in Europe, and to assist the queen of Hungary, though I much question whether that will turn the scale in our favour; but let us not be knights errant on the occasion, and send an army on the continent to combat the French without any allies. (For, I do not find we have any, the Dutch being too cautious to come into our measures.) Such a step may prove very fatal to us, and draw on lasting inconveniences. The best method to assist the queen of Hungary, is with our money: she does not want troops, but the means to raise them, which she can do at a quarter of the charge that it will cost us to send our own troops to her assistance, considering the great expence of transports, and the difficulties we shall find in providing ammunition, provisions, and recruits in a foreign country. But I am aware, we shall be told, that we must give her money too. The queen of Hungary is certainly a gallant princess, and a very fine woman; but we are not therefore to



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spend all we have upon her, and become bankrupts in her service. Let us have some regard for Old England, our native country, and not suffer her to fall a sacrifice to any foreign interest whatsoever; which brings me to consider the ability of the nation to maintain so great a number of troops.

As every nation is circumscribed within certain bounds, so there is a certain degree of expence that every nation can with safety bear, and should never exceed; and it is the opinion of some very wise men, that whenever the expences of Great Britain exceed five millions a year, I mean the ordinary expences voted by parliament, she goes beyond her strength, and consequently must fall. During all the last war in queen Anne's time, when we had so great an army on the continent, and so many allies, and contracted a great debt, our expences, one year with another, did not amount to 5,300,000*l.* In the year 1741, our expences were above 5,267,000*l.* Last year above 6,137,000*l.* The troops now proposed (I mean the 63,000 men) will cost us above 1,655,000*l.* which, with the seamen and other expences of the year, must come to above six millions. The nation is in debt 48,915,000*l.* (which debt is every day increasing) and groans under a heavy load of taxes; and though many gentlemen in this House may not feel the weight of them, the poor daily do, and call aloud for redress. These are serious things, and deserve the mature consideration of parliament. For my own part, I shall always think it my duty, while I sit here, to oppose laying on any of my fellow-subjects a greater burden than they are able to bear; and therefore shall heartily give my negative to the maintaining so great a number of unnecessary troops.

Mr. *Sandys:*

Sir; I find the gentlemen who oppose this question carefully, I shall not say artfully, drop the present necessity we are under, and talk only of the danger and expence of maintaining and keeping up a great number of land forces, and the inability of the nation to support that expence. I have as great an aversion to a numerous standing army, kept up in time of peace, as any gentleman can have, and shall readily admit of the maxim, that a numerous standing army, kept up in time of peace, is absolutely inconsistent with the liberties of Great Britain. But I have no aversion to a standing army in time of war, however numerous it may be, provided it be no more numerous than is necessary for putting a happy and speedy end to the war; nor can I think, that a numerous standing army in time of war is any way inconsistent with the liberties of Great Britain, especially when a considerable part of that army is sent abroad to the assistance of our allies, or to carry the war into the bowels of our enemy's country, in order thereby to compel them to submit speedily to reasonable terms of peace; for as this is a trading nation, it is our business to put an end to every war as soon as possible, that we may the sooner have an opportunity to carry on our commerce without interruption. When we happen to be at war with a trading nation, we may, it is true, by means of our fleet, put a speedy end to the war; because if we conquer them at sea, we may put almost an entire stop to their trade, which will of course soon force them to submit to reasonable terms; but when we happen to be at war with a nation that does not much depend upon trade, we must some way or other employ a land army against them, otherwise the war may become eternal; for we can never do them so much harm at sea as they can do us, nor can we reap any benefit by the war, whereas they will be yearly reaping a benefit from it by means of their privateers; so that unless we can fall upon some way of attacking them with a land army, the war must endure for ever, or we must at last submit to purchase peace from them upon their own terms.

I would not therefore, Sir, have gentlemen conceive such an utter aversion to a land army, as to resolve never to have or employ such an army upon any occasion whatever; and if the land army now proposed be necessary for restoring peace to ourselves as well as Europe, the measure must be complied with, however expensive it may be, however unable we may think ourselves to support the expence; for, I hope, we are not yet reduced to such poverty as to submit tamely to put on the chains either of France or Spain. I shall grant, Sir, the nation is incumbered with a great load of debts, and the people groan under the burden of their taxes: but from whence arose this load of debt? To what is this burden of taxes owing? Why, Sir, to the very spirit which now prevails, and, I am afraid, always will prevail: an universal cry of poverty when any contributions are desired for the public service. I

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believe, it will be granted, that our ancestors in king William's and queen Anne's wars were as rich as we are now, and that the nation was then able to raise yearly as great a public revenue as it does now. If they had done so, we should now have had no debts to pay off, nor any taxes but such as might be found necessary for the current service of the year; for the nation now raises more yearly than ever was expended in any one year during either of those wars, as may easily be computed by any one who considers the present state of our public revenue. If we reckon the civil list revenue at 800,000*l.* the land and malt tax at 2,700,000*l.* and the funds appropriated to the payment of the principal and interest of our public debts at about 3,200,000*l.* we shall see, that this nation now raises 6,700,000*l.* yearly, which, I believe, is equal to the whole public charge of any one year of these wars; at least, I am sure, it is a great deal more than the public charge was during that time 'communibus annis;' and therefore, if the people in those days would have agreed to raise yearly as much as they might have done, the annual revenue would have answered the annual charge, and we should now have had neither interest nor principal to pay to any public creditor, and consequently might have held the balance of power in Europe with more ease and steadiness than we can do at present.

But such, Sir, is the humour of the people in all countries and all ages; every one desires to live at ease and in safety, but every one is averse towards contributing his proportionable share towards that public expence, which is absolutely necessary for securing his ease and safety. The bulk of mankind can see no danger but what is directly before their eyes, and consequently are unwilling to contribute to the charge of guarding against a danger which they cannot see; and as it is at all times popular to appear against taxing or burdening a people, those who see the danger too often prefer their love of popularity to the love of their country. The danger we are in at present is so near, that I cannot think there is one gentleman in this House that does not see it: the House of Austria is the Ucalegon of Great Britain; for if ever that House should be destroyed by the flames of a war lighted up by France and Spain, Great Britain will certainly be the next, because we are next in power. Holland may be at last consumed, but the old Spanish maxim, That the only way to come at Holland is to pass through England, is now well known both at the courts of France and Spain; and both those courts are sensible, that in order to subdue England they must first reduce the House of Austria, so as to render it unable to give them any diversion upon the continent.

——— 'Jam proximus ardet
'Ucalegon,'

ought therefore to be, it is most reasonably the cry all over Britain, and in every man's mouth that is not blinded or biassed by some private view of interest, ambition, or resentment. That this nation will be the next sacrifice to the ambition of France is apparent, not only from the reason of things, but from the behaviour of France immediately before the death of the late emperor. Can we have already forgot their sending their squadrons to the West-Indies? Can we now doubt of the orders those squadrons had, or that they would not have put those orders in execution, if the hurricanes and storms they met with, together with the excellent disposition made by our admiral then in the West-Indies, had not disabled them from attempting the scheme they had projected? Can we expect that Spain will submit to reasonable terms of peace with us, whilst she sees us so indolent or so cowardly as not to dare to oppose or interrupt her schemes of conquest in Italy? Can we hope that the French will not join openly with her against us, after they have reduced the queen of Hungary to their terms, and modelled out Europe to their liking? Can any man balance in the least which to chuse, to enter into a war with France and Spain, whilst the fate of Europe is yet in suspence, and we may depend upon the assistance of many, perhaps most of the potentates thereof, or to enter into a war with those two powerful monarchies after they have made themselves masters or at least arbiters of Europe? Sir, it is not the cause of the queen of Hungary alone I am now pleading: it is the cause of Great Britain as well as hers. If it had not been for the accident of the emperor's death, we should have had France as well as Spain a declared enemy long before this time. We had so much neglected, deserted, and disobliged that prince, that France thought she might depend upon his not giving us any assistance, and therefore she was preparing to declare war against us, or to act in such a manner as might oblige us to de-

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clare against her. But the accident of that prince's death made her suspend her measures with regard to us, and the behaviour of the king of Prussia, with the obstinacy of the court of Vienna, in which they were too much encouraged by us, soon convinced her, that she had now got the long looked for opportunity of reducing the power of her ancient rival, the House of Austria. The character of our then administration was such, that she had reason to think she might be able to cajole us, till she had perfected her schemes upon the continent of Europe, and that then she might with more safety and greater certainty of success resume those measures with regard to us, which she had suspended upon the accident of the emperor's death: I say suspended, for no man in his right senses will suppose, they were either altered or laid aside. By the late change in the administration, I hope she will find herself disappointed as to us: she cannot now hope being able to cajole our administration, and, I hope, she will find herself as little able to cajole the nation. So far as I am able, her most secret views shall be laid open to the people of Great Britain, and from thence, I hope, they will be convinced, that in supporting the cause of the queen of Hungary they support their own, that in assisting to extinguish the fire which now threatens destruction to her, they may, and, I hope, will extinguish those flames which would certainly next consume themselves.

From what I have said, Sir, the necessity of our entering into the war must appear. If the French and Spaniards do not depart from their present ambitious schemes, and especially, if the latter do not agree to do us justice with regard to our navigation and commerce in the American seas, we must enter into the war, or we must submit to receive laws from France in Europe, in Africa, and the East Indies; and from Spain in the West Indies. In a case of such pressing necessity, I am surprised to hear gentlemen talk of the poverty of the nation, or its inability to support such a necessary war. I hope there are no foreigners in our gallery, or if there are, that they may not believe what such gentlemen say. At least, I hope, it will not be believed at any foreign court in Europe; for if it were, it would encourage the enemies of public liberty to persist in the prosecution of their ambitious and tyrannical schemes; and it would dishearten the friends of public liberty so as to prevent their entering into any measures with us for its preservation. Therefore, if those gentlemen have really such a contemptible opinion of their country's ability, I wish they would keep it to themselves, because, I am sure, they can do no service by publishing it; for by endeavouring bravely to preserve the liberties of Europe, and succumbing in the brave attempt, we can be in no worse condition than we shall be by sitting still, and tamely looking on till we see them overwhelmed. If we must become a prey to our enemies whenever they shall please to attempt making us so, the leaner we are, the less worth their while will they think it to make the attempt; for few conquerors ever thought of conquering a country where nothing was to be expected but broken bones; and therefore, I think, we do better, and shall be in less danger by emaciating ourselves still further in making a brave defence whilst we have some view of success, than by battening in ease and tranquillity till our enemies have put it out of our power to defend ourselves with any tolerable view of success.

But thank God! Sir, our matters are not yet come to this pass: we have still many and great resources: we have many rich men amongst us; and from the nature of our constitution, and the regard that has always been shewn to parliamentary faith, we shall have the treasures of all the monied men in Europe at our service. These will still enable us to carry on a vigorous war for many years; and I wonder to hear gentlemen of many hundreds, nay thousands a year, who pay but four shillings, perhaps but two shillings in the pound, to the public service, for securing their enjoyment of the other 16 or 18; I say, I wonder to hear such gentlemen complaining of the poverty and inability of their country. Would not they, would not any man of common sense give the 16 shillings for the public service, rather than subject the whole to the arbitrary will of a French monarch? In such case I shall grant, they would be obliged to dismiss many of the footmen, coachmen, cooks and other men servants they now keep for pomp or shew; but such fellows could not want business, for most of them would make excellent recruits for our army and navy; and if mounted upon their masters coach horses, they would make good dragoons, or if mounted upon their running, riding, or hunting horses, they would make fine Hussars for distressing the armies of

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our enemy. These things, 'tis true, are dismal for a modern polite gentleman to think of, but they are what, I hope, every gentleman in England would frankly submit to, rather than see himself and his country enslaved by any foreign power whatsoever.

We are therefore far from being in such poor or desperate circumstances as have been represented in this debate, and as to what wise men may have said, that if ever England should raise above five millions a year she must be ruined, experience has shewn the contrary; for we have raised above five millions a year for this forty years, and are not yet ruined: nay the nation would have been in the most flourishing circumstances, if a right use had been made of the money raised yearly, and proper care taken to protect and improve our trade. In a country where the land revenue is reckoned to amount to twenty millions a year, and the revenue of the trading and monied people to at least three times as much, it is, in my opinion, ridiculous to say, that such a country cannot spare to raise five millions a year for the public charge without ruining itself. I am far from supposing, that if our public debts were once paid off, it would be necessary for us to raise such a sum yearly for our ordinary expence; but upon extraordinary occasions we might certainly raise that sum, and a great deal more; and therefore, if those wise men mean any thing, they must mean, that England will be ruined by a bad government, if it should ever be under such an unfrugal one, as to make the raising of above five millions a year necessary for defraying the ordinary expence of the government in time of peace. In this I shall agree with those wise men, because such a ridiculous government, if it continued for any time, would ruin us by its bad conduct, as well as by its profusion of the public treasure. But is this the case at present? Can it be said, the government desires five millions a year, or much above the half of that sum for its ordinary occasions? We are actually engaged in one war, and like to be engaged in another of a much more dangerous and expensive nature: we must provide for both; and this makes such large grants necessary as are now required; so that this opinion, were it right in every particular, is no ways applicable to the present case.

I hope gentlemen are now convinced, that it is absolutely necessary for us to interfere so far in the present troubles of Europe, as to prevent its being in the power of France and Spain to dictate to all the other powers upon the continent; and from what I have said, Sir, I hope gentlemen will have the pleasure of being convinced, that we are not yet reduced to such a despicable condition as has been represented, but that we may still make a figure in Europe, and by a right conduct and vigorous measures force the most daring to limit or desert their ambitious schemes of tyranny and oppression. For this purpose it was absolutely necessary for his majesty to form an army upon the continent, and it is necessary to keep that army there, till we have accomplished those views that are so salutary for our own preservation, as well as for the preservation of Europe, and our ancient and most certain ally, the House of Austria. I say most certain, Sir, because there is no one prince in Europe, whose interest can so constantly and so invariably coincide with the interest of Great Britain, as that of the House of Austria. Even the Dutch we cannot naturally be so sure of; because many disputes may arise between them and us, about trade and navigation, or they may conceive jealousy of our naval power; but between the House of Austria and us no contest of any consequence, no jealousy can ever happen, unless one or other be influenced by foreign, weak, or wicked counsels. Can we desert such an ally in the time of such danger? Is it not our interest to preserve her power as entire as possible? Her own arms has already done a great deal: let us assist her to do the rest. His majesty has resolved to do so: in this he is seconded by the voice of his people: and, I hope, upon this and every like occasion, he will find himself seconded by the voice of his parliament.

Mr. *John Bance:*

Sir; although the hon. gentleman who opened this debate was pleased to tell us, that the number of troops for each respective service was the only question that could properly come this day before us, yet I must beg his pardon for thinking that the quantum of the sum demanded for each, is a question which ought likewise upon this occasion to have been brought under consideration; and if the estimates had been first referred to a select committee, according to the method which has been often proposed, and I wish

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was put in practice, I believe, some very material objections might have been found to several of the articles in each particular estimate. As this has not been done, it is not to be expected that gentlemen should enter particularly into this question; but in general I must observe, that we have always had, and have now too great a number of officers in our land army, and a much greater number than is usual in any country of Europe except France, where their officers cost them very little; for their colonels are generally men of fortune who spend their own estates in the service of their country, and the pay of their subalterns is hardly equal to that of our serjeants and corporals. Then as to our marines, though they are really as properly marching regiments as any other in our service, the forming them into regiments was at first absolutely wrong, and, I remember, was strongly objected to; but since they are to remain a burden upon us, I think, we ought to make it as light as possible, by ridding ourselves of all the field-officers and captains, and especially their particular paymaster, who has a salary, which, I am sure, it is not necessary for the public to pay, let them be continued in what shape you will. It may be said, that this salary is paid out of the deductions usually made on that account from all the regiments in our service; but now we have such a great number of forces on foot, I hope our ministers are more frugal than to give the whole to the paymaster: I hope they do with him, as has been done, ever since Cromwell's time, with the paymaster of the navy, which is to allow him a certain salary, and apply the surplus to the public service.

With regard to our marine paymaster, Sir, I really do not know whether his salary be paid out of these deductions, or out of the 4,500*l.* charged in this estimate for contingencies; but let it come from whence it will, it is paid by, and may be saved to the public, by having our marines paid either by the treasurer of the navy, or the paymaster of our forces; and as the gentleman who now most worthily fills the latter post [Mr. Henry Pelham,] would not, I am sure, desire to sink in his own pocket such a large sum of public money as these deductions now amount to, being above 40,000*l.* a year, I think an account of them, if they are still made, ought to be laid yearly before parliament. As I am upon this subject, I must likewise take notice of the saving that has certainly been lately made, by the great number of officers and soldiers that were killed, or died in the West Indies. In ordinary cases, Sir, this sort of saving is not worth the while of parliaments to inquire into; but when regiments are, I may say, *Occidione occisi*, and such a long time before they are or can be recruited, this saving must become so considerable as to be well worth the parliament's while to inquire into it; especially considering the dangerous use that may be made by a minister, of such large sums, when left to his arbitrary disposal, as must be evident to every gentleman who has read the reports left last session upon our table.

These things I have thrown out, Sir, only to shew, that we ought to have another question now under our consideration, beside that single one, of the number of troops proposed; and likewise to manifest to you, how necessary it is to refer the estimates laid before us yearly to a select Committee, before we take them into our consideration in this Committee of the whole House; for if we are obliged to enter into the war now carrying on in Germany, as the utmost œconomy and frugality will be necessary, I hope this will be the practice of every future session; and if we once begin it, I believe, we shall soon find good reason for never laying it aside.

Now, Sir, with regard to the other question, that, I mean, relating to the number of troops proposed to be kept up for each respective service, I shall first consider the question in general, and, I believe, every one will grant, that for carrying on the war against Spain, we have no occasion, nor ought we to keep up such a number of land forces, even supposing we were in as free and as prosperous a situation as ever this nation could boast of; therefore by such a great number of troops being proposed, and especially by our sending a great number of them to Flanders, I must suppose, that we are to become sharers in the war now carrying on in Germany, not only by sending our money, but also by sending our troops thither, and consequently the matter now before us will turn chiefly upon this previous question, whether it be absolutely necessary for us to enter so deeply into the war? The determination of which is not pretended, even by those who have spoke for the motion, to be founded upon any immediate and apparent danger, but upon apprehensions of a danger we may hereafter be exposed to.

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Apprehensions, Sir, are of divers sorts: there are real and well grounded apprehensions, there are imaginary apprehensions, and there are vain and ridiculous apprehensions; and I very much suspect, that upon a strict and impartial examination, the apprehensions we are now terrified with, will appear to be of the last sort. Surely we do not imagine, that all the other nations of Europe, except this, are fond of putting on the yoke of France, and therefore if none of them will join with us in supporting the queen of Hungary, *totis viribus*, as we seem resolved to do, we must suppose, either that all the rest of Europe are dull, or that we are mad. It is something amazing to see the minds of some amongst us so very much altered in so short a time. When the late emperor died, and the queen of Hungary, his successor, was attacked by the king of Prussia, we were so little afraid of the ambitious views of France, that we seemed to encourage her in her obstinacy with regard to Prussia, in order to draw her into a scheme, which was certainly formed somewhere, for stripping that young monarch of a great part of his dominions. Whereas, if we had at that time been afraid of France, we should have advised, and insisted upon her giving satisfaction to the king of Prussia, in order to draw him into a confederacy, which he offered, for getting the duke of Lorrain chosen emperor, and for guarantying all the rest of the Austrian dominions in the terms of the Pragmatic Sanction. This would have prevented its being in the power of France to form any schemes, and if it had been done, I am persuaded, no French army would ever have entered Germany, nor would the elector of Bavaria either have been chosen emperor, or have declared war against the queen of Hungary. But by our schemes at that time, we forced the king of Prussia, contrary to his inclination, into an alliance with France, and thereby enabled and encouraged them to form all those designs they have since endeavoured to carry into execution against the queen of Hungary and the liberties of Germany: nay, we joined with France in one of the chief of them, which was that of getting the elector of Bavaria chosen emperor; and we gave no obstruction to the Spaniards in their first attack upon the queen of Hungary in Italy.

Thus, when the queen of Hungary was in the greatest danger: when Europe was in the greatest danger, we seemed to have no dread of the designs of France; but now when the king of Prussia has been provoked by the haughtiness, and I believe, the treachery of the French generals, to desert their alliance, and when the queen of Hungary, by her good conduct, both in Germany and Italy, has by herself repelled her enemies upon every side, and obliged them to offer peace upon the moderate terms of *uti possidetis*, we have conceived most terrible apprehensions of the ambitious designs of France. Sir, this change in our way of thinking, and these pretended apprehensions, are so evidently without any avowed foundation, that there must be something *in petto*, there must be some secret cause which it is not fit the world, or at least the British world should be made acquainted with. The happy events of these last 16 or 18 months, and the terms offered by the French last summer, have so much altered the state of things in Europe, and have so clearly manifested, that the French have at present no designs against the liberties of Europe, that whatever we do, or attempt to do now cannot be said to be for the support of the queen of Hungary, but for extending her power, and lessening the power of France. I shall grant that both these things are very desirable, but considering our circumstances I cannot grant, that this is a proper time for us to make the attempt, or that we can reasonably hope, by ourselves alone to succeed in it. It may be laudable, it may be even prudent for a man in good health to undertake difficult and dangerous expeditions; but after he has been emaciated by a tedious consumptive fever, he should content himself with sitting at home, and thinking only of self-defence, till his vigour be restored, and his health re-established. If we had done so, we might have been both strong and healthful long before this time; but we have been playing the knight errant of Europe for many years past: nay we have been doing what even Don Quixote himself never thought of: we have been setting up windmills, in order to knock them down again. From the year 1714 to the year 1720, we put ourselves to a monstrous charge, and involved ourselves in a war with Spain, in order to increase the power of the House of Austria, which we then said the treaty of Utrecht had left too feeble in Italy: from the year 1720, till very near the time of the late emperor's death, we put ourselves to a vast expence in pulling down the power of the House of Austria, and

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raising the power of the House of Bourbon, though one of the branches of that House was, during the whole time of this our knight errantry in its favour, insulting and hurting us in the most tender part. By this conduct the power of the House of Bourbon has indeed been raised to a dangerous height; and now we are to involve ourselves in new expence and danger, in order to pull down this windmill we have raised, though, like a real windmill, it can do us no damage, if we do not approach too near it.

As the power of the House of Bourbon, especially considering the present union of the two branches, (which union was restored and cemented by our late designs against the House of Austria) is certainly greater than is consistent with the safety of Europe, it is very easy, Sir, for a warm imagination to raise that power up into a hideous phantom; and when the war first broke out in Germany, when the queen of Hungary was forced to retire to Presburgh, and her capital in danger of being besieged, all the terrors we have been frightened with in this debate, had then some foundation: at that time we seemed to sit unconcerned, and even then we had more reason to be so than any of our neighbours; for if France had taken that opportunity, contrary to her express declaration, to propose any accession to her own power, either by the cession of the Austrian Netherlands, or any of the German principalities upon the Rhine, it would certainly have alarmed the Dutch and all the princes of Germany: even the emperor himself would have resented such a breach of faith, and would have been ready to reconcile himself at any rate with the queen of Hungary, in order to form a confederacy with the Dutch against France. They would then have been soliciting our assistance, instead of our being reduced by our knight errantry to the necessity of soliciting theirs; for this will always be the case, whilst we are the first to take the alarm, and to involve ourselves in a war with France on account of preserving the balance of power.

For this reason, Sir, even at the beginning of the war, when the liberties of Europe were in the greatest danger, and the queen of Hungary in the greatest distress, it was none of our business to enter as principals into the war, unless the Dutch and other powers of Europe, equally concerned with us, had agreed to do the same. And suppose, that they had been all blind to their own interest and safety, that France had thereby got an opportunity to model out Germany and Italy to her own liking, and to take the Austrian Netherlands to herself: suppose that the Dutch, for the sake of getting home their troops, had submitted, and that all the princes of Germany and Italy had for that time at least found themselves under a necessity of submitting to this new French model; can we suppose, they would all have been really satisfied with it: can we suppose they would not have taken the first opportunity to free themselves from the yoke they had by their blindness brought themselves under? France must then have kept garrisons and armies both in Germany and Italy, to have preserved this forced submission, or she must have left them at liberty to rebel as soon as they found an opportunity. In either case, can we suppose, that she could have disbanded her land-armies in order to increase her naval force, so as to render herself superior to us at sea? Can we suppose, that upon her first breach with us, the Dutch, the empire, and perhaps Spain itself, or at least most of the princes in Italy, would not have taken that opportunity to unite together for freeing themselves from the yoke? Sir, it is my opinion, that the ambition of France can never deprive us of a powerful alliance upon the continent, if ever we should be unjustly attacked by her: it is our own conduct only can deprive us of such an alliance: if upon one hand we should appear so indolent or unsteady, that none of the powers upon the continent could put any trust in our counsels, this might prevent their involving themselves in a war upon our account: we might then have reason to complain, as we did upon our breach with Spain, of our having no one ally in the world. On the other hand, if we should shew ourselves too busy, and pretend to dictate to the other powers of Europe, in affairs we had really nothing to do with, or perhaps but very little, this might render them cool to our interest: they might even rejoice to see us a little humbled. Since I am upon this subject, I must mention another sort of conduct, which not only may deprive us of assistance from any of our allies upon the continent, but also render our best and most natural friends jealous of us, and that is our shewing too great an attachment to the interest of the electorate of Hanover, and a readiness to enter into



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any scheme for enlarging the dominions or pursuing the resentment of that electorate.

I hope, Sir, there is nothing of this at the bottom of our present measures; but, I am afraid, some of the princes of Germany, and perhaps the Dutch too, have a suspicion of it; and this makes them so shy of joining with us in any scheme for reducing the exorbitant power of France. This I am sure of, that unless the Dutch and the empire, as a body, join heartily with us, we cannot in common prudence propose to undertake it. It is by much too dangerous for us, in our present circumstances, to undertake such a scheme, with the sole assistance of the queen of Hungary; and as the French have offered to withdraw their troops out of Germany, and to leave the queen of Hungary in possession of all the dominions she was possessed of at the beginning of the war, except what she has yielded up by our mediation and at our request, I can see no reason we had for sending our troops to Flanders, much less for keeping them there, and still a great deal less for taking such a body of Hanoverians into our pay; for by the Estimates presented to us last Friday, we now see, that those Hanoverian troops have neither been sent there, nor are to be kept there at the expence of that electorate. Nay, I cannot as yet find, that the electorate is, at its own expence, to give any assistance either to us or the queen of Hungary, no not even the 4,000 men which it stands engaged to furnish her with by the guaranty of the Pragmatick Sanction; so that if any war be carried on for increasing the power of the House of Austria at the expence of France, it must be almost entirely at our charge; for considering how the queen of Hungary's dominions have been exhausted, we cannot imagine that she is able to bear any tolerable share of it.

The charge, Sir, will consequently fall so heavy upon this nation, that, were our circumstances much better than they are, nothing but the greatest and most imminent danger should tempt us to undertake it; and this is far from being the case as the affairs of Europe stand at present. I have already shewn, that had France succeeded in the fondest and highest wishes she could have at the beginning of the war, this nation could have been in no great danger from her utmost efforts. In the reign of Richard 2, we despised her attempts by sea, though she was then in possession of, or at least had in alliance with her, all the seventeen provinces of the Netherlands, and we no one ally upon the continent to make a diversion in our favour. In queen Elizabeth's time, we withstood the attempts of France and Spain, though the latter by itself alone was at that time really superior to us in naval force; and can we now be so terrified with the apprehensions of the French, when we have such a naval force, that France and Spain together could not, with a ten years uninterrupted preparation, fit out such a naval force as would be superior to ours. But suppose we ever had reason for such apprehensions, they are now removed by the offers of peace which France has made, and the way to renew them will be by undertaking a scheme which neither the queen of Hungary nor we can execute; for if we should fail in the execution, especially if our armies should happen to meet with a signal defeat, it will rekindle the war in Germany with greater fury than ever, and if France never had before, she will then begin to conceive hopes of being able to model Europe to her own liking, and to take what part of it she pleases to herself. This may be the consequence of our encouraging the queen of Hungary to refuse the terms that have been offered; and after our being exhausted by a bloody and expensive war upon the continent, it would be more easy for France to get the superiority of us at sea, than it could have been had we never engaged in any such war.

In my opinion therefore, Sir, the greatest danger we can have at present, is that which may arise from our engaging either as principals or auxiliaries in the war, and thereby encouraging the queen of Hungary to refuse the terms that have been offered, and to form projects of making conquests from France by the assistance we are to give her. It may be true, Sir, that before the late emperor's death, the French had resolved to declare in favour of the Spaniards against us, or to behave in such a manner as to provoke us, if it was then possible, to declare against them. It may be true, that the squadrons they sent to the West Indies had orders to join with the Spaniards in an attack upon our island of Jamaica; but I have a suspicion, they had encouragement from some people here to make that attempt, and an assurance that if they could make themselves masters of that island, the nation



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would not be at the expence of carrying on a war against the joint power of France and Spain for its recovery. I believe, both they and their friends here would have found themselves disappointed in their expectations; and the disappointment and dishonour they met with in that expedition, must convince them, how vain it will be for them to form any designs against us, till they can render themselves superior at sea, which, I am persuaded, they will not attempt for several years to come, because, I believe, their coffers have been so drained by the present war, that they will not be able in many years, to spare such vast sums as will be necessary for preparing a navy superior to the navy of England; and if they had the ships and all other materials, they would find it difficult to man them, either with sailors or soldiers fit for the purpose. If they should attack us before their having such a fleet ready, and we should confine ourselves to our own element, without wasting our strength in romantic expeditions upon the continent and maintaining numerous land armies, we should be gainers by the war, by destroying their plantations and putting an entire stop to their trade, and thereby ridding ourselves of our greatest rival in manufactures and commerce; so that I do not know, but it would be one of the greatest favours the French could do us to provoke us to a sea-war, and one of the greatest injuries we can do ourselves, is, to engage without necessity in an expensive land one; and as the French want nothing now but to be quiet, we can be under no such necessity at present.

Having thus, Sir, discussed the point of necessity, and shewn, that all the apprehensions we can, with any shadow of reason, be frightened with, must arise from our engaging in the war, and not from our sitting still, give me leave to say something with regard to our abilities. I shall readily admit, Sir, that if it were absolutely necessary for us to engage in war: if arms were of one side and chains of the other, I should be for flying to arms, let our circumstances be never so deplorable; I should be for our pawning or parting with every thing but our arms; but this is far from being the case, and as our people are already so burdened with taxes, and all those taxes mortgaged for the payment of old debts, we ought not to engage in any war without an apparent and immediate necessity. To guard against remote dangers, and such as can be suggested only by a very fruitful imagination, is, in my opinion, very far from being a good reason for our engaging in any war under our present circumstances. We have, it is true, as yet many resources, but most of them are such as we never ought, nor, I hope, ever will have recourse to, unless we be obliged to fight *pro aris et focis*.

I am far from supposing, that we have not yet many resources for carrying on a necessary war, and for prosecuting it with vigour for several years, if it were to be carried on by sea, or in a country where we could from hence provide our armies with all sorts of necessaries. Even the war we now seem inclined to engage in, at least we have put ourselves to a monstrous needless expence, if we are not: I say even this war we might find credit and funds to support, if this were our only consideration. As our public credit is yet in a flourishing condition, I believe we might find money to borrow, and might find funds for securing the repayment of that money; but in the present case this is not our only consideration. As all our troops, both national and foreign, must be provided for in a distant country, we must send out such vast sums of money, that, I am afraid, our balance of trade will not answer our draughts, and if it does not, the deficiency must be made good out of our national stock of gold and silver, which may in a few years drain us so much of our ready specie, that we shall not have enough to circulate the vast sums of paper credit we have now current amongst us; and as soon as this happens, it will put an end to our credit both public and private. This may happen before we can put an end to the war upon any honourable terms, and whenever it does, we must put an end to the war upon any terms, at least we must call home our troops, and dismiss our mercenaries, for want of money to pay them, which would be a fatal consequence, and the more fatal, because of our public credit's being lost, and not easily recoverable; so that our country might be exposed to the danger of an invasion, when our government had neither money nor credit to raise an army or fit out a squadron; and, I am afraid, our people would not be very ready or hearty in supporting a government that had brought them under such difficulties.

In the war during the late queen's time,

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we were exposed to no such danger. Our balance of trade was much greater than it is at present. As France had then no trade, we exported a great many more goods than we do, or can be supposed to do now; and we had not then near such a large sum to pay for interest growing due yearly to foreigners, who have money in our funds. Besides, a great part of the provisions for our army in Flanders was brought up here, and conveyed to them by the way of Holland or Ostend. Even our armies in Spain, were mostly provided for by what was bought for them in their own country. Whereas, if we send our armies to Germany or the Upper Rhine, which we must do, if we resolve they should assist the queen of Hungary, we can send them little or nothing but money from hence. This I thought necessary to mention, because it might not perhaps otherwise have occurred to gentlemen who do not understand trade;* and, I hope, our ministers will think seriously of it, before they involve their country in a war which must be attended with so many difficulties, and which seems, from the late turn the affairs of Europe have taken, to be quite unnecessary.

I shall grant, Sir, that it has been a popular cry, ever since the death of the late emperor, to support and assist the queen of Hungary; but among all reasonable men, it was upon this condition, as was expressed in our Address last session, that the other powers of Europe, equally concerned with us, should join in giving her such assistance as might be effectual. And since we find, that none of the powers of Europe will join with us, that even the electorate of Hanover refuses to join with us, or to assist us with any troops, unless we pay a most extravagant price for them, I believe no reasonable man in England expects or desires, we should assist her any other way than with our money; especially as she does not now stand in need of our assistance, unless it be to make conquests. Gentlemen will therefore find themselves very much disappointed, if they expect the approbation of the people in such a romantic scheme as that of making conquests upon France assisted by Spain, without any one ally but the queen of Hungary; and if they should fail in this scheme, as they probably may, they will find themselves exposed not only to the derision but to the highest resentment of the people; therefore for their sakes, if I had no other reason, I must be against the hon. gentleman's motion.

Before I have done, Sir, I must say a word or two in relation to the great number of troops to be kept at home. I was really surprized to hear the hon. gentleman say, his majesty desired no more than were allowed him the first year of his reign, and not so many as were allowed in the year 1735. When the hon. gentleman said so, he certainly forgot the marines, which being all regimented are as regular troops, and very near as expensive, as any marching regiment in our service; and though it would be proper, if they are ever to serve as marines, to have them on board our men of war, and sometimes sent to sea, in order to season and breed them up to the service, I believe, all or most of them now lie a burden upon the country people. I must therefore look upon these marines as land forces, including them, as will appear by the estimates, we are to keep at home above 35,000 men, and that at a time when we are to take foreign troops into our pay at a monstrous price. Sir, if our schemes made it necessary to form such a great army in Flanders, what occasion had we for 16,000 Hanoverians? Might not we out of 35,000 have spared to send 16,000 more of our own troops to Flanders? Will it be said, that in time of war we must always keep 35,000 land forces in this island to protect us against sudden invasions? Are we to suppose our people so much disaffected in any part of the island, that most of them would join an invading enemy, if not immediately prevented by the arrival of a large body of regular troops? God forbid, Sir, I should make a supposition so injurious to his majesty and our present royal family. The danger of a sudden invasion and the disaffection of the people have always, I know, been made a pretence for keeping up within the island a greater number of regular troops than we had any occasion for, but it was never carried to such an extravagant height as now; and I am sorry this should happen under the administration of some gentlemen, who have for so many years been exclaiming against numerous standing armies.

But we are told, now it is time of war, and a standing army in time of war is not inconsistent with our constitution.

* Mr. Bance was one of the Bank Directors.

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Sir, war or peace, a numerous standing army kept within the island, when we are not at war amongst ourselves, I say, is inconsistent with our constitution. If we are to send an army abroad, let it be raised, but let it be sent abroad as soon as possible; and when the war is over, and the army called home, let it be disbanded as soon as possible. This was our ancient method: this, and this alone is agreeable to our constitution. If it were otherwise, it would be easy for an ambitious king to keep the nation always at war, in order to have an excuse for keeping up a numerous standing army at home, not for subduing his foreign enemies, but for subduing his people; therefore more of our land forces ought to have been sent abroad, or not so many of them raised; and if any more troops are designed for Flanders, they should have been put in an estimate by themselves, in order to avoid a precedent for keeping above 35,000 men in the island at a time when there is no rebellion, nor so much as the appearance of an insurrection in any part of it; therefore when the question comes to be put upon the number of troops for guards and garrisons, I shall, I believe, be against it, as heartily as I am against the question now under your consideration.

Against sir William Yonge's motion for continuing the British forces in Flanders, it was urged, 'That by this step we should, with one war upon our hands, draw ourselves into another.' To this it was answered by the ministry, 'That we entered into the second war, because we were bound by the strongest ties of treaty and public faith to do it; because the first war could never have been brought to a happy conclusion without it; because the second enemy supported the first; because the second power, without entering avowedly into that war, supplied, encouraged, and fomented the difference between us and the first; and because there is more safety in an open enemy, than in a false friend: because the views of the first and second enemy coincided with each other; and because we were certain, that the second enemy would have joined the first, with her whole and an irresistible force, when she had finished her work in Germany, and that then we should have had to deal with both these powers, without any one ally in the world; whereas, by joining against the second, at the time we did it, we were able to act in conjunction with some of the greatest powers in Europe, and a reasonable expectation of the aid of more; because the rash attempts of the first power, partly to gratify her own wild ambition, and partly to assist the plan of the second, had afforded us the means, if we engaged against the second, of ruining the armies of the first, of confining her fleets from any possibility of doing us any harm, and in fine, of disappointing her most favourite views, of exhausting her revenues, and of throwing her government into confusion in one campaign, more than by any other way of waging war with her to the end of the world. And that all this could be only done, when we had the one war upon our hands, by engaging in the other.'

A second Objection was, 'That hereby we should make ourselves principals in a war, wherein we ought to be only auxiliaries.' To this it was replied, 'That the assertion is absolutely and notoriously false in fact, for we have hitherto not been principals in this war in any sense whatever; we have acted only as auxiliaries to the House of Austria. And that we ought to be auxiliaries was agreed on all hands.'

It was also asked, 'Why do we run ourselves into expences we cannot bear, into difficulties we shall find it so hard, if not impossible to get out of, into inconveniencies we see no end of, pursuits where there is nothing to gain, and struggles in which we have so much to lose?' To this question the Answer was, 'That the great supplies of the last year had been raised upon terms as low as they ever were in times of the most profound peace; while the enemy we were engaged with, could not raise the sums he wanted, at twice the rate of interest we pay. That, as to the inconveniencies being endless, it is undoubtedly true that no human reason can prescribe an exact period to any war, the inconveniences of which must last till such war is determined; but if this be an objection, it is such a one, as must make against engaging in any war, however just or necessary, in any country or conjuncture whatsoever: that it could not be said we had nothing to gain, when we had a prospect of restoring that faithful ally, which is alone able to stem the ambition of the French monarch, the implacable and ever dangerous enemy of this country; and that those men must be destitute both of common sense and honesty, who contend, that we should lie by in time of danger: for when are men to struggle, but

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when they have so much to lose, as the trade, the independency, the religion, and the freedom of their country?'

A fourth Question was, 'Why, if the queen of Hungary is to be farther assisted, do we, instead of sending her money, which might assist her, expend treble the money she would be thankful for, in raising forces that cannot assist her?' And to this the Answer was, 'That though she might have been thankful for a third part of the money, which our troops cost us, as any power in her late deplorable circumstances would have been, it was not her thanks, but her preservation from immediate ruin; it was not her gratitude, but the recovery of her power to balance France, which it was our business to procure; it must have been an aid that would be effectual, or we should have left her worse than we found her. That this insinuation, that a pecuniary aid would have been alone effectual, was far from being true, though the whole money, which our armies cost us, had been remitted to Vienna: because such immense sums, exported out of this country thither, would have distressed us greatly, and would have none of it returned; it would have therefore been impracticable to have continued this expence for any time: whereas, by experience of the last war, it was manifest, that very near two-thirds of the charge of the armies we maintained within a nearer distance of this country, returned to us again; and we had had a proof that we could support a war in this method without any vast diminution of our specie: because such immense sums must, from the nature of that court, have been much wasted or consumed; but, however applied, could not so conveniently have answered our ends, because we should have lost the advantage of a diversion to the forces of France, which is a measure of the greatest benefit in war. Because we should have lost the advantage that resulted from the security of the barrier, from the encouragement of the Dutch, from the protection of the states and circles lying upon the confines of France, and the influence we have since manifestly gained upon the diet of the empire. Because no other measure could have put it in our power to attack and penetrate into France itself, if God should prosper our arms with any remarkable success, and because by this apprehension the flower of her armies have been consequently retained at home, and she more likely to be brought to terms of reasonable accommodation. That by this means we availed ourselves of two great points; of the cavalry of the allies, which is the best in Europe, and must have been for the greatest part unemployed in this quarrel, if the war had not been carried on in this manner; and of the natural superiority which confederated powers have over a single nation, and what was our manifest advantage in the last war, viz. that the loss of men on our part will fall more equally, and will be less felt; while the whole loss of France falls upon her own nation, from whence alone she is able to recruit; which circumstance, all other things supposed to be equal, must enable the queen of Hungary to sustain the war longer, and with less inconvenience than the French. That the Austrian dominions are by no means inexhaustible of men; though the French have suffered more, yet the Austrians have lost a great number, and it is a certain fact, that France alone contains more inhabitants than all the countries of the queen of Hungary put together.'

It was demanded, 'Why the ministry dissuaded the queen of Hungary from listening to all offers of accommodation last summer, and particularly at the siege of Prague? Why did they endeavour to prevent her accepting the terms proposed of reciprocal evacuations of Bohemia and Bavaria, leaving other claims and pretensions to future negociations and civil decision; which is the end they must come to, unless these squabbles last for ever?' To this it was replied, 'That if it was done, it was done wisely: for that these offers of accommodation were in effect no more than a cessation of arms, the only view of which was to prevent the ruin of 30,000 regular troops of France. That the city of Prague, which was then every day expected to fall into the Austrian hands, was all that the queen of Hungary could have gained by this cessation; that therefore it is not to be wondered at, that she was not inclined to trust to a new capitulation with that very body of troops, who, had they not, contrary to all military faith and rules of war, broke a capitulation, by which they saved their lives at Lintz a few months before, could not have been at Prague in that conjuncture to have demanded a second opportunity to abuse her mercy. That she could nowise be blamed for refusing to trust to the insidious offers, to the faith of that perfidious power; offers, that gave no assurance of any accommodation; offers plainly calcu-

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lated to enable her enemies to fall upon her immediately after, with redoubled force, tending only to deprive her of the happy opportunity of giving the greatest blow to France, that was ever given to her in one campaign; offers to bribe her by an advantage, which was, in fact, already in her hands, to be guaranteed to her by the honour and honesty of France, confirmed by the additional power of their released army, and secured by the reservation of the emperor's title to all her dominions, which the emperor has, by his memorials, since actually avowed as his intention never to have departed from! That if this step had not been taken, by this time indeed we should not have had an army in Flanders; nor would there have been a single army in Europe, that could have ventured to have opposed the views of France; the queen of Hungary, attacked by the collected force of France, would have clearly understood what was meant by the future negociations, and the civil decision then proposed to her; she must have submitted long ere now to the will of that relentless power; and we should have had all our thoughts vainly turned to the entrenching ourselves in our own island against the united powers of France and Spain.'

It was asked, 'Why we embarked in this measure, without the junction, consent, approbation, or even participation of Holland?' And to this the Answer was, 'That it was absolutely false that they refused to join at all, or that they gave us reason to believe that they never would consent, and that they had given us to understand that they had condemned our undertaking; whereas the fact was only this, that they would not join in the instant that we first desired; that they would not consent till they found that they might depend upon the vigour and stability of our administration; that they would not publicly approve of a measure, in which it was not safe for them to engage, till they saw a force sufficient to protect them.'

Further it was urged, 'That we alone have taken upon us the hazards, burdens, and expences of a scheme, which all the powers of Europe combined would not perhaps be able to execute, and which no power in Europe will assist us in?' To this the ministry replied, 'That England had not alone taken upon itself the hazards, burdens and expences of this war: for the House of Austria has now, in different parts, and in different armies, no less than 180,000 men: under prince Charles 63,000; under other generals in Germany, employed in the sieges or blockades of Egra, Ingoldstadt, &c. 30,000: with the king of Sardinia and count Traun 27,000; in Flanders, and upon the Rhine, 20,000; in the Trentine, and the Tirol, and adjacent parts of Bavaria, 15,000; upon the Adriatic, ready to succour either the Italian armies or to be carried into the Neapolitan dominions by our fleets, 12,000; and at least 13,000 men in the garrisons of Austria, the different parts of Bohemia, Hungary, Moravia, Servia, Croatia, Sclavonia, Carinthia, Carniola, Stiria, and other provinces which, bordering upon the Turk, can never be totally left unfurnished: that the king of Sardinia has above 40,000, and with his militia above 60,000, which amounts at least to 240,000 men, towards which we contributed no more than the vote of 500,000*l.*

These, with what has been exhibited in the foregoing speeches, were the main arguments alleged for and against the motion. The question being put, the same was agreed to, on a division; Ayes 280, Noes 160.

DEBATE IN THE COMMONS ON TAKING THE HANOVERIAN TROOPS INTO BRITISH PAY.—*From the London Magazine.**] December 10. The Secretary at War presented to the House, by his majesty's command, a List of the troops of Hanover now in Flanders, including the general officers and train of artillery, together with their pay; which was ordered to be referred to the Committee of Supply: as was likewise the Account of the Charge of the Troops of Hanover, in the pay of Great Britain, from the 31st of August to the 25th of December, 1742; and the Estimate of the Charge of the said Troops from the 26th of December, 1742, to the 25th of December, 1743: also the Estimate of the Charge of the Hessian Troops, paid by Great Britain, from the 26th of December, 1742, to the 25th of December, 1743, both in-

* Two distinct Reports of the memorable Debates in both Houses on taking the Hanoverian Troops into British pay, having appeared in the London and Gentleman's Magazine, it has been thought proper to preserve both of them in this Collection. The London Magazine gave the Debate in the House of Commons in May, 1743; the Gentleman's (compiled by Dr. Johnson) in February, 1744.

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clusive.—The House having resolved itself into the said Committee,

Sir *William Yonge* stood up and said:

Sir; the knowledge which his majesty was most graciously pleased to communicate to us in his Speech from the throne, and the apparent danger to which the liberties of Europe are now exposed, would render it very unnecessary for me to say any thing in favour of the motion I am to make, if great pains had not lately been taken, to represent the most wise and necessary measure that was ever thought on, as a chimerical project, concerted for no other end but that of enriching the electorate of Hanover at the expence and hazard of this kingdom. Upon this occasion, things have been said, nay things have been printed and published, which, in my opinion, ought to be deemed high treason by every man who has a regard for the Protestant succession; for they have first represented it as a condition in the Act of Settlement, that we should never be put to any expence, or brought into any danger, on account of the electorate of Hanover; and then they have endeavoured to shew, that all our foreign measures ever since the accession of the present royal family, have been calculated for the interest or aggrandisement of that electorate. If this were true, the inference would be natural, that the condition of the Act of Settlement being broke, the Settlement itself is become void. This, Sir, is an argument, that, if there were any truth in it, I should tremble to mention; but every one knows that there is no such condition in the Act of Settlement, nor has this nation ever been put to any expence, or brought into any danger, on account of that electorate.

From what has lately happened, Sir: from the method of arguing now made use of by some people, which is so very different from that they formerly made use of, it is very plain, that unless they are themselves employed, and employed, too, in such stations as they may be pleased to prescribe to his majesty, they will never approve, they will always oppose and find fault with the measures pursued by the administration. As long as our ministers wisely endeavoured to prevent a war, by taking every peaceable method for obtaining satisfaction for ourselves, and security for our allies, those gentlemen exclaimed against our pusillanimous measures, and endeavoured to ridicule our negociations: war and bloodshed was then their favourite cry, and nothing would satisfy them but an immediate declaration of war, let the consequence be what it would. Our negociations at last proved ineffectual; our ministers were forced into a war, and one of our principal allies has been attacked, and is now in danger of being swallowed up: the most effectual measures have been concerted by our administration, and are now pursuing in the most vigorous manner, both for distressing our enemies and supporting our allies. Upon this, those gentlemen have quite altered their tone: the distressed condition of our country is set in its strongest light, the situation of our ally is said to be desperate, and the power of our enemies irresistible; from whence they conclude, that our present measures are romantic and chimerical. Thus, if our ministers endeavour to avoid a war by negociation, which every wise administration will, they are said to be poltroons; and if they prosecute it with vigour and resolution, when they are forced into it, which they must and ought, they are said to be Don Quixotes.

These, Sir, are the different methods of arguing made use of by those who happen not to have at present any share in our administration, and from this difference, they really, in my opinion, give room to suppose, that their opposition proceeds not from any conviction of the badness of our measures, but from their having no share in advising or carrying them on. But to come to the point in question, and to examine whether or no it will be right in us to take the Hanover troops into our pay, and to keep them in pay till the affairs of Germany are settled, and the balance of power restored, let us consider the present circumstances of Europe, and the consequences that may ensue from our taking no share in the war now carrying on against the queen of Hungary. If we do not assist her, if we do not resolve to assist her *totis viribus*, it is evident that none of the other powers of Europe will; and if she receives no assistance, it is as evident, that she must at last submit to such terms of peace as France shall please to prescribe; for it is impossible for her, by herself alone, to withstand the united force of France, Spain, and the present emperor of Germany, the latter of whom would probably, in such a case, be supported by the joint

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power of the empire; for if the princes and states of the empire should see her forsaken by all her allies, a majority of them would in all probability be induced to put her to the Ban of the empire, for defending her own dominions against a prince whom they have chosen for their head.

Suppose, then, the present emperor established in his imperial dignity, and in the possession of a great part of the dominions of the House of Austria, by the favour and power of France: suppose the Spaniards, or Don Philip of Spain, by the same means, established in the possession of all or most of the Austrian dominions in Italy, what fatal consequences might not this nation expect, even as to our own particular concerns? We know the circumstances we are now in with regard to Spain: we know how much it is the interest of France to destroy our trade, and to divest us of our valuable possessions in the Mediterranean, as well as of many of our plantations in America: we know how ready France was, but very lately, to join with Spain against us. What could we expect, if the emperor of Germany, and all the princes and states of Italy, were thus brought under a sort of dependence upon France? Could we expect any assistance from the Dutch? They would not dare to send a single ship to help us. Could we expect any assistance from the Portuguese, or from any of the states in Italy? They would not dare to assist us: they would probably be induced, or compelled, even to forbid us their ports. These were the fatal consequences we had great reason to apprehend at the beginning of last summer; and were we to do nothing, to attempt nothing, for preventing them? By the wise and vigorous measures we have since taken, we have brought off the king of Prussia from his alliance with France; we have prevailed on the king of Sardinia to declare openly in our favour; and if we continue the same measures, we may probably soon persuade some other powers to take the same course.

It is not yet, Sir, a twelvemonth since it was the opinion of some gentlemen, that the unfortunate state of affairs abroad, and the inactivity of the Dutch, as well as of several princes of the empire, were entirely owing to the pusillanimous measures we had pursued, and to a supposition, that we would no way concern ourselves with any of the affairs upon the continent. This, it was said, had rendered it impossible for the other powers of Europe to form any confederacy against the ambitious schemes of France, and had even made some of them join with France, who would otherwise have been ready to have joined with us against her. If there was any truth in this argument, surely it was necessary for us to give, as soon as possible, a convincing proof that we had not deserted the cause of Europe, but on the contrary were as ready as ever to spend our blood and our treasure in defence of the liberties thereof. This we did by sending a powerful squadron into the Mediterranean, for the support of the king of Sardinia, and by sending an army of our own troops into Flanders; but neither of these measures will signify any thing, unless we proceed further; and for this reason it became absolutely necessary for us to take a large body of foreign troops into our pay, in order to form such an army as might give effectual assistance to the queen of Hungary, in case France should persist in the prosecution of her ambitious views.

For this reason, the Hessian troops were ordered to march to Flanders, and his majesty most graciously agreed to lend us a large body of his own troops, which were likewise ordered to march to Flanders, in order to join our troops there; and these troops, together with the Austrian troops now in Flanders, will form such an army as will, I hope, encourage some other powers to declare openly in favour of the queen of Hungary. It has already had so good an effect, that both the emperor and France have begun to confine their views, and have very much lessened their demands; for they have already offered terms, which they would have disdained to give ear to, at the beginning of last campaign. So far, therefore, ought we to be from appearing in the least unwilling to take this body of Hanoverian troops into our pay, that, I think, we ought to thank his majesty for being so ready to assist us with a body of his electoral troops, at a time, perhaps, when it would not have been easy for us to have got any other troops to hire.

To every one therefore who considers the fatal consequences which must ensue to this nation in particular, from France bringing almost all the powers of Europe under a sort of dependence upon her, the taking of this body of Hanoverian forces into our pay, and their march to join our army in Flanders, must appear to be a step

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absolutely necessary for the preservation of Great Britain, and consequently not in the least owing to a design of enriching the electorate of Hanover at the expence of Great Britain.

I shall indeed grant, that the support of those troops, whilst they are in our pay, will be a very great expence to this nation; but their march into Flanders is a manifest proof that this measure was not calculated for the enriching of Hanover, because the money we pay to them will not be spent in Hanover, but in Flanders, or some other part of Europe, where they shall happen to be employed, which can never be supposed to be in Hanover. On the contrary, as many of the officers are gentlemen of fortune, they will, and always do spend more than their pay, and consequently their living in Flanders, or in some foreign country, will draw money out of the electorate of Hanover, as well as out of the island of Great Britain. In short, to suppose, that the sending of 16,000 men out of a country, is done with a design to enrich that country, is, in my opinion, one of the most extraordinary notions that could ever enter into any man's head, and must vanish as soon as we begin to think seriously and coolly upon the subject.

The sending of those men into Flanders can be of no manner of service to the electorate of Hanover, any further than as it may contribute to the preservation of the liberties of Europe; and to say, that we ought not to pay those troops, because they will contribute towards the advantage of Hanover as well as of this kingdom, is an argument that will hold equally good against our taking any other foreign troops into our pay. As the loss of our own liberties must necessarily follow that of the liberties of Europe, we ought not to consider, what other states may do, or what advantage they may reap by our doing; but when the liberties of Europe come to be in danger, we ought to do all we can for extricating them out of that danger; for if other nations should seem willing to submit to the yoke, it is no reason for our doing the same; and therefore, I shall never think it romantic in us, to endeavour to prevent our being led into captivity, were the odds against us much greater than they are; for success has often arisen from despair, and nations have been saved, after having lost all hopes of safety. It is not loss of hopes, Sir, but loss of courage that enslaves a nation: and I hope the event of this day will shew that we are Britons.

But why, Sir, should we talk of despair, or of losing all hopes of success in any design for setting bounds to the ambitious projects of France? The late and present condition of the queen of Hungary is a strong argument against it. About a year ago, who would have said, that she could now have been at Vienna, or in possession of any part of her dominions, except such as she might have obtained from the courtesy of France? Yet, by the courage of her own troops, and a little assistance from us, we now find her not only resisting but triumphing in Germany, and in possession of all her dominions except such as she has yielded to Prussia, and two single towns in Bohemia, both of which are blocked up by her troops, and the garrisons of both in the utmost distress. How, then, can we think it to be either romantic or chimerical in us, to propose giving her such assistance as may compel her enemies to submit to reasonable terms of peace, and such as may restore the balance of power in Europe, and establish it upon a solid and lasting foundation.

This, Sir, we may do: we have now, I think, a very great probability of being able to do it; but we never could nor can we now propose being able to do it, without taking foreign troops into our pay; and as a small assistance now will be much more effectual than a much greater would be, after our ally the queen of Hungary is reduced to the last extremity, therefore, I must think it was right in us, to take the first troops we could get, which happened to be those of the electorate of Hanover. At our request they have already marched and joined our troops in Flanders. His majesty as elector of Hanover, has already, upon our account, put himself to a very great charge. He put such a confidence in the parliament of Great Britain, and in the zeal we have hitherto shewn for the support of the queen of Hungary, that without any express parliamentary engagement, he ordered his troops to march; and therefore, I think, we are in honour obliged to make good the expence he has been at. Nay, I think, we are under a sort of legal obligation to make good this expence; for by our Address of the 23d of March last, we expressly promised to support his majesty in all such measures as should be necessary for restoring the balance of power, and re-establishing the tranquillity of Europe; so that we are not only in ho-



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nour, but by our own express promise obliged to make good the expence his majesty has put himself to, or may be at, by the march of his troops into Flanders.

For this reason, Sir, I cannot suppose, that I shall meet with any opposition as to the first motion I am to make, which is, to resolve, "That the sum of 265,191*l.* 6*s.* 2*d.* ½. be granted to his majesty, for defraying the charge of 5,513 horse, and 10,755 foot of the troops of Hanover, (together with the general officers and the train of artillery) in the pay of Great Britain, from the 31st of August, to the 25th of December, 1742, both inclusive."*

This Resolution, I say, Sir, cannot well be opposed, because we are both in honour, and by a sort of parliamentary promise engaged to comply with it; and after this resolution is agreed to, I shall then take the liberty to move for such a sum as, by the estimate before you, appears to be necessary for keeping those troops in our pay during the ensuing year, which, I hope, will be as readily complied with; for though the army we have now formed in Flanders, in conjunction with the queen of Hungary's troops there, may have a very good effect towards procuring good terms of peace, yet as that effect cannot

* "The debates, which happened in both Houses upon these Resolutions, were less guarded, and more personal, than could have well been expected, in assemblies that owned the elector of Hanover for their sovereign. The Act of Settlement was turned to; and a new doctrine was all of a sudden set up, that the endeavours of Great Britain to save the House of Austria, were vain and fruitless, and calculated only for the preservation of Hanover, and to load England with the expence of Hanoverian mercenaries. It was not obscurely intimated in pamphlets and papers, which were known to be wrote by the heads of the party, but were fathered by minor authors, that the Act of Settlement, which provides against Great Britain being ever engaged in a war, on account of the dominions belonging to her king on the continent, had been violated, and some very undutiful insinuations on that head were thrown out. It was pretended, that the whole of the bargain for the electoral troops, was an imposition upon the people of England; because those troops durst not act against the head of the empire, without exposing his majesty to be put to its ban, and in confirmation of this, the late neutrality for the electorate of Hanover was urged.

"The sending the British troops to the continent, without being assured of the concurrence of the states-general, was highly exclaimed against, and in answer to his majesty, who had said in his speech, that he had done it in pursuance of the repeated advice of parliament, it was pretended, that that advice was given, only upon the supposition, that the states general or some other power in Europe would have joined Great Britain in her endeavours to support the House of Austria. It was pretended to be highly unconstitutional, and derogating from the importance of parliament to take so great a number of foreign mercenaries into pay, without consulting it; and it was pretended, that the money, expended in sending British troops to the continent, and maintaining them there, together with the sums to be paid for the hire of mercenaries, would have been more than sufficient to have enabled the queen of Hungary, had it been sent to her, to have maintained double the number of forces; or if 700,000*l.* which was no more than half of what was paid by Great Britain, to troops in her service, had been given her in specie, she could have maintained 50,000 men in places, where they could have acted with greater effect for her interest; so that 700,000*l.* was actually lavished away, besides the blood of so many Englishmen, who probably would be sacrificed in that romantic quarrel. Great fault likewise was found with the assembling the army in Flanders, where it was said, it could be of no service to the queen of Hungary, but if it should give the French a pretext for attacking the Dutch barrier, might engage England, as a principal, in an expensive and dangerous land war.

"It was farther observed, that it did not appear the electorate of Hanover, though more immediately concerned in the event of the war than Great Britain was, had contributed any thing to the support of the common cause; and that on the contrary, she had made a much more advantageous bargain than she made in the year 1702, when the earl of Marlborough negociated with De Bothmer, the Hanoverian minister, the hire of 10,000 men from the House of Lunenburgh; there being in that convention no stipulation, either for levy or recruit-money, which, in the present contract amounted, with the pay of the staff, and the officers of the artillery, to 130,313*l.* This, the opposers of the measure thought to be the more extraordinary, as the 16,000 men paid by England, were not raised at her request, and as no more than 6,000 had, upon the death of the late emperor, been added to the ordinary forces of the electorate. The great standing army of 23,000 soldiers, and 11,550 marines, kept up at home, was likewise strongly insisted upon, as the greatest part of them, had there been an absolute necessity, might have supplied the place of the expensive mercenaries, now taken into pay.

"Such were the principal arguments that were brought against this famous measure, which occasioned an opposition within doors, that was next to throwing the nation into confusion without. The Whig part of the oppo-

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be immediately expected, every gentleman must see, that it would be absolutely disappointed, and all the expence we have already put ourselves to rendered vain and useless, if France and the emperor should find that the parliament of Great Britain refused to keep those foreign troops in its pay for one year longer.

We have already, Sir, shewn a laudable zeal for the support of the queen of Hungary: we have already put ourselves to a considerable expence; and no longer ago than in March last, we gave it as our opinion, in our Address to his majesty, which I have already mentioned, that we thought we had reasonable grounds to hope, that the balance of power might be again restored, and the tranquillity of Europe re-established. I am sure, nothing has happened since that time, which can afford us the least shadow of reason for altering our opinion; so that if we now begin, through despair, or any other motive, to draw back, and to refuse putting ourselves to the expence necessary for obtaining that which we then thought we had so good reason to hope for, it can proceed from nothing but an unsteadiness of temper, which we are, I fear, but too justly accused of by foreigners, and therefore we ought, upon this occasion, to be the more cautious of doing any thing that may confirm them in such an opinion.

Sir *John St. Aubyn*:*

Sir; it is with the greatest difficulties that I rise up to give you this trouble, and particularly after the hon. gentleman with whom I am so very unequal to contend: but when my assent is required to a proposition, so big with mischiefs, of so alarming a nature to this country, and which I think, notwithstanding what the hon. gentleman has most ingeniously said, must determine from this very day, who deserves the character and appellation of a Briton, I hope you will forgive me, if I take this last opportunity which perhaps I may ever have of speaking with the freedom of a Briton in this House.

I am not able to follow the hon. gentleman in any refinements of reasoning upon our foreign affairs, I have not subtilty enough to do it, nor is it in my way as a private country gentleman: but though country gentlemen have not that sagacity in business, and, for want of proper lights being afforded us, the penetration of ministers into public affairs; yet give me leave to say, they have one kind of sense which ministers of state seldom have, and at this time it is of so acute a nature, that it must overthrow the arguments of the most refined administration. This is the sense of feeling the universal distresses of their country, the utter incapacity it now lies under of sustaining the heavy burdens that are imposing upon it.

This I take to be the first, the great object of this day's debate: consider well your strength at home, before you entangle yourselves abroad; for if you proceed without a sufficient degree of that, your retreat will be certain and shameful, and may in the end prove dangerous. Without this first, this necessary principle, whatever may be the machinations, the visionary schemes of ministers, whatever colourings they may heighten them with, to mislead our imaginations, they will prove in the end for no other purpose, but to precipitate this nation, by empty captivating sounds, into the private views and intrigues of some men, so low perhaps in reputation and authority, as to be abandoned to the desperate necessity of founding their ill-possessed precarious power upon the ruins of this country.

Next to the consideration of our inward domestic strength, what foreign assistances have we to justify this measure? Are we sure of one positive active ally in the world? Nay, are not we morally certain that our nearest most natural ally disavows this proceeding, and refuses to co-operate with us? One need not be deep read in politics to understand, that when one state separates itself from another, to which it is naturally allied, it must be for this plain reason, that the interest is deserted which is in common to them both; and it is an

sition gave up all the maxims of their party during the reigns of king William and queen Anne, and their most glorious measures and victories upon the continent, were now stiled illustrious deviations from the true interest of England; and a new, and of late, an unheard of, doctrine was broached, that Great Britain ought upon no account to engage in any war upon the continent of Europe, but by employing her good offices, or upon very great and interesting emergencies, by supplying her allies with money, and that too with a very sparing hand." Tindal.

* This Speech is preserved in the Collection of Dr. Johnson's Debates; that it was not, however, the Doctor's composition is evident; seeing that it was given in the London Magazine for June, 1743, eight months before it appeared in the Gentleman's.

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invariable rule in this country, a rule never to be departed from, that there can no cause exist in which we ought to engage on the continent, without the aid and assistance of that neighbouring state. This is the test, the certain mark, by which I shall judge, that the interest of this country is not at present the object in pursuit.

Is any man then wild enough to imagine, that the accession of 16,000 Hanoverian mercenaries will compensate for the loss of this natural ally? No, but it is said that this indicates such a firmness and resolution within ourselves, that it will induce them to come in. Sir, if they had any real proofs of our firmness and resolution, that the interest of this country was to be pursued, I dare say they would not long hesitate. But they look with a jealous eye upon this measure, they consider it as an argument of your weakness, because it is contrary to the genius and spirit of this country, and may therefore lessen his majesty in the affections of his people.

They have for some years past looked upon a British parliament as the corrupt engine of administration, to exhaust the riches and impair the strength of this country. They have heard it talk loudly indeed of the House of Austria, when it was in your power to have raised her to that state, in which she was properly to be considered as the support of the balance of Europe, if timid neutralities had not intervened, and our naval strength had properly interposed to her assistance.

They have lately looked upon this parliament, and with the joy of a natural ally they have done it, resenting your injuries, bravely withstanding the power, that you might restore the authority of your government, demanding constitutional securities, appointing a parliamentary committee for enquiry and justice. Sir, they now see that enquiry suppressed and justice disappointed. In this situation, what expectations can we form of their accession to us; talking bigly indeed of vindicating foreign rights, but so weak and impotent at home, as not to be able to recover our own privileges?

But this measure is said to be undertaken in consequence of the advice of parliament. There has been great stress laid upon this. It has been loudly proclaimed from the throne, echoed back again from hence, and the whole nation is to be amused with an opinion, that upon this measure the fate of the House of Austria, the balance and liberties of Europe, the salvation of this country, depend.

But was this fatal measure the recommendation of parliament, or was it the offspring of some bold enterprizing minister, hatched in the interval of parliament, under the wings of prerogative; daring to presume upon the corruption of this House as the necessary means of his administration? The object indeed might be recommended, but if any wrong measure is undertaken to attain it, that measure surely should be dropt; for it is equally culpable to pursue a good end by bad measures, as it is a bad end by those that are honest.

But as to the Address, I wish gentlemen would a little consider the occasion which produced it. Sir, it proceeded from the warmth of expectation, the exultation of our hearts, immediately after and with the same breath that you established your Committee of Enquiry, and it is no forced construction to say, that it carries this testimony along with it, that national securities and granting supplies were reciprocal terms.

But, Sir, I must own for my part, was the occasion never so cogent, Hanoverian auxiliaries are the last that I would vote into British pay; not upon the consideration only, that we ought otherwise to expect their assistance, and that we should rather make sure of others that might be engaged against us; but from this melancholy apprehension, that administrations will for ever have sagacity enough to find out such pretences, that it may be difficult to get rid of them again.

Besides, the elector of Hanover, as elector of Hanover, is an arbitrary prince, his electoral army is the instrument of that power; as king of Great Britain, he is a restrained monarch: and though I do not suspect his majesty, and I dare say the hearts of the British soldiery are as yet free and untainted, yet I fear, that too long an intercourse may beget a dangerous familiarity, and they may hereafter become a joint instrument, under a less gracious prince, to invade our liberties.

His majesty, if he was rightly informed, I dare say, would soon perceive the danger of the proposition which is now before you: but as he has every other virtue, he has undoubtedly a most passionate love for his native country, a passion, which a man of any sensation can hardly divest himself of; and, Sir, it is a passion the more easily to be flattered because it arises from

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virtue. I wish that those who have the honour to be of his councils, would imitate his royal example, and show a passion for their native country too; that they would faithfully stand forth and say, that as king of this country, whatever interests may interfere with it, this country is to be his first, his principal care; that in the Act of Settlement this is an express condition. But what sluggish sensations, what foul hearts must those men have, who instead of conducting his majesty's right principles, address themselves to his passions, and misguide his prejudices? making a voluntary overture of the rights and privileges of their country, to obtain favour and secure themselves in power; misconstruing that as a secondary consideration, which in their own hearts they know to be the first.

Sir, we have already lost many of those benefits and restrictions, which were obtained for us by the Revolution and the Act of Settlement. For God's sake, let us proceed no farther. But if we are thus to go on, and if, to procure the grace and favour of the crown, this is to become the flattering measure of every successive administration,—this country is undone!

Mr. *Edmund Waller:*

Sir; whatever opinion we may have of what has been printed and published upon the subject now under our consideration, we must allow, that it has been of some service to us, if it were nothing else but that of having given occasion to the hon. gentleman, who made the motion, to display his eloquence; for otherwise, it seems, he was not to have indulged us any such pleasure. We should have heard nothing from him, but two bare motions for granting his majesty nearly 700,000*l.* in order to enable him to maintain, with the more ease, his own Hanoverian troops. But though I was pleased with the hon. gentleman's eloquence, I must confess, his argument gave me some pain. He seems to think, that our constitution was quite altered by the Revolution, and the Act of Settlement which was the consequence of it, and that we had thereby departed from our ancient maxim, 'That the king can do no wrong.' Whereas according to my notion of both, our constitution was not altered but restored; and consequently this fundamental maxim of our government must remain as firm and as inviolable, as ever it was under any former race of British kings. If this be so, and that it is no man who has a regard for our present royal family will deny, then no breach of condition or limitation can impeach the king's title, but may be a good reason for impeaching and punishing his ministers and advisers, as well as every one who acts by their orders against the laws of their country. Upon this maxim the freedom and stability of our government depends: upon this alone, not only the freedom of the press, but the freedom of speech in parliament, can be founded; for if the person or title of the king were to be any way affected by the wrong measures advised or pursued by his ministers, no man could find fault with their measures, without being guilty of a breach of his allegiance to his sovereign. But the constitution of our government is known to be otherwise; and therefore none of the limitations which are supposed by the common law, or expressed in any of our statutes, particularly Magna Charta, the Bill of Rights, and the Act of Settlement, are to be looked on as conditions upon which the king holds his crown, but as directions to the ministers and others employed by him in the executive part of our government, which they are not to transgress, even though they should have his express order for so doing.

In this light, Sir, every man may find fault with the measures pursued by an administration, without encroaching in the least upon that allegiance which is due to his sovereign: nay, if he thinks the measures wicked or wrong, he is in duty to his sovereign, as well as his country, obliged to find fault with them, and to expose the motives upon which they were founded, or the evil consequences with which they may be attended. It is by this our constitution is secured, and the people guarded against being imposed on by the false glosses usually put by ministers upon the measures they have resolved to pursue; and it is by this our kings are secured against the fatal effects of a general discontent, by which absolute monarchs are often tumbled headlong from their throne, before they can be sensible of the evil tendency of the measures they have been advised to pursue. Therefore, if it has been of late insinuated, or if it should now be insisted on, that the interest of Great Britain has been or is now to be sacrificed to the interest of Hanover, the hon. gentleman is not to impose silence upon those that say so, by telling them they are guilty of high-treason, but by setting the argu-

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ment in such a light as will admit of no reply, which he, with all his eloquence, will, I fear, find to be a task not easily accomplished. Nay, I believe he will not attempt it; because in so doing he would find himself obliged to argue against those who for some years have been his principal friends; and who formerly suffered for not joining so cordially in the measures against Sweden as was then expected by the court.

Will any gentleman say, that the interest of Hanover had no share in the measures we took, and the war we at last declared against Sweden, soon after the accession of his late majesty to our throne? Every impartial man who knows any thing of the history of those times must grant, that the purchase of Bremen and Verden was the true cause of the rupture between Sweden and us; and the securing of that purchase was afterwards the cause of the rupture between us and the Czar. The same cause likewise gave rise to the defensive alliance between the emperor and us in the year 1716, and was originally the cause of those disputes between Spain and us, which have now produced two wars and a half (if I may so express myself) between the two kingdoms; for that in the year 1727, I can call but half a war, because it was carried on upon one side only. Whilst the imperial court but seemed to favour the pretensions of Hanover in Germany, we did every thing that court could desire; but when we found that court a little remiss with regard to those pretensions, we, all of a sudden, in the year 1721, altered our conduct, concluded a separate peace with Spain upon terms not very honourable, and from being a generous became a jealous friend of the emperor's, which united us in a close correspondence with the court of France, and at last produced the treaty of Hanover, the consequences whereof have been fatal to Europe as well as this nation.

These facts could, I believe, Sir, be sufficiently proved, were we masters of all the secret negociations that have been carried on for thirty years past; and if they are true, surely it is not treason to say so. But suppose them all to be true, and clearly demonstrated, no man that understands our constitution will say, they could any way operate against his majesty, or against our present happy establishment. Such a proof would indeed fall heavy upon the ministers that advised or pursued such measures, and the very suspicion ought to be a prevailing argument for our establishing such regulations, as may prevent the prosecution of such measures in any future time.

As to the measure which is the subject of our present debate, I am vastly surprised to hear any gentleman pretend, that it will be no advantage to the electorate of Hanover. Is not the sending of near 700,000*l.* English money to that electorate an advantage to it? Will not the maintaining of 16,000 men, which must otherwise have been maintained by the electorate itself, be an advantage to it? But the hon. gentleman says, the paying of those troops can carry no riches into the electorate of Hanover, because the troops are marched out of it, and their whole pay to be spent in a foreign country. Nay, he goes farther and says, that our taking those troops into our pay, and obliging them to live in foreign parts, will be a loss to the electorate, because many of the officers have fortunes of their own, and will spend more than the pay received from us, which supra-expence must be drawn from, and consequently will be a loss to that electorate. Sir, if there are any officers among the Hanover troops who spend more than their pay, there are some who will not spend so much, and as those savings must remain in, or be laid out in the electorate, it is highly probable that what it gets by the latter, will more than atone for what it loses by the former. But suppose it were otherwise, will not the cloathing, levying, and recruiting these troops at our expence, be an advantage to that electorate? For the whole money upon every one of these articles will be laid out or laid up in Hanover; and the advantage it must reap this way, will, I am sure, do a great deal more than compensate any loss it may sustain by the extravagance of some of its officers.

We must therefore suppose, that though this body of Hanoverian troops be to serve in a foreign country, yet a great part of what we pay for them, or to them, will be laid out in Hanover, and consequently that this measure will tend to the enriching of that electorate. But now suppose, that not one shilling of this money were to remain in, or ever to return to Hanover, would it not be an advantage to have 16,000 of its troops maintained at our charge? For no augmentation has been made upon this account to the army in Hanover. The hon. gentleman seems to lay it down as a maxim, that it can never



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be an advantage to any nation, to send 16,000 of its subjects out of the country: If he had added the word, 'idle,' his maxim would then have stood in its proper light; and, I believe, no man will say, that it would not be an advantage to a nation to have 16,000 of its idle subjects maintained, either at home or abroad, at the expence of some neighbouring nation. I should have been very far from finding fault with our sending 16,000 of our soldiers to Flanders, if they had been to be maintained by the queen of Hungary, the Dutch, or any other neighbouring nation, that would not afterwards have made use of them against ourselves. Therefore, the sending of our troops to Flanders, as it is at our own expence, must be a loss to us, but Hanover's sending 16,000 of its troops to Flanders must be an advantage to it, because they are to be maintained there at our expence.

I shall grant, indeed, Sir, that if the Hanover troops were to have been kept in Hanover, and there maintained at our expence, it would have been a greater advantage to that electorate; and therefore our keeping, and always maintaining such a body of troops in the electorate of Hanover, may perhaps be designed to be introduced by this precedent. Our parliaments may not be as yet well enough disciplined, for approving of such a measure; but we do not know what may be brought about, by time and bad precedents. We lately maintained, for several years, 12,000 Hessians for the defence of Hanover; and now we have got into the method of taking Hanoverians into our pay, I can see no reason why we should not always be, from the same motives, induced to keep a body of troops in that electorate for the same purpose. To a parliament willing to be convinced, I could suggest a great many plausible reasons for our agreeing to such a measure; and such reasons as, I am sure, would in all future reigns make me a favourite at court; for I never yet read of a prince that was willing to give up the smallest territory that belonged to him. I could shew, and I think, with some reason too, that as the elector of Hanover is king of Great Britain, it would be inconsistent with our honour to allow it to be taken from him: that it is almost surrounded with princes who keep great armies on foot: that without keeping always a very numerous standing army in that electorate, it is liable to be suddenly invaded and swallowed up by some of its neighbouring princes: that the electorate is not of itself able to keep such an army on foot as may be necessary for guarding against this danger; and that therefore we, for the preservation of our own honour, ought always to maintain a great army in that electorate. I could farther urge, that this army would give great weight to our negociations at all the courts upon the continent: that it would tend to encourage our friends and terrify our enemies, fully as much as an army sent to or kept in Flanders; and that it would be always ready and more at our command than the troops of any ally, in order to be brought over, to prevent or repel any invasion or insurrection, especially as our king has now the possession of Bremen and Verden, which shews the consequence that purchase may be of to the quiet of Great Britain, and the security of the Protestant succession.

These and a great many other such arguments, I could make use of, for our maintaining a great body of troops in Hanover: I am far from saying they would appear conclusive to any man of an honest heart and a clear understanding; but, I am sure, they would be as conclusive as those arguments were, that were made use of for our taking or keeping the Hessian troops in our pay, in consequence of the treaty of Hanover; therefore it may be supposed, that some future parliament may agree to such a measure. What we are now about will be a precedent for it; and if ever we have such a parliament, I am convinced, our ministers, who generally think of nothing so much as of acquiring an interest in the closet, will not be backward in proposing it. Nay, I do not know but that in the very next session we may hear some such proposition made: before our next meeting I may prophesy, that a suspension of arms will be agreed on, and a congress appointed; it will then be urged, that we ought not to disband any of our own troops, or dismiss any of the foreign troops we have in our pay, till peace be fully restored; and if we do keep them in pay, it will, even with reason, I think, be said, that Hanover is as proper a place for keeping them in as any other part of Europe.

Thus, I hope, Sir, I have shewn, that the measure now under our consideration, must immediately contribute to the enriching of Hanover at the expence of this kingdom, and may probably, in its consequences, contribute a great deal more.

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The next thing I am to enquire into is, how, or what way, or if at all, this measure can be supposed to contribute to the honour, advantage, or security of this kingdom. As to honour, I hope, we are not become such Don Quixotes as to expose ourselves to an infinite expence and infinite danger merely for assisting a fine lady in distress. Such a behaviour might be great and heroic in a private man, but can be neither in a minister, because he neither exposes his person nor his estate in the adventure. As to advantage, I cannot say what the electorate of Hanover may have in its view, over and above the advantages I have already explained, but I am sure, this kingdom cannot so much as aim at any advantage by assisting the queen of Hungary. Our future security must therefore be the only thing we can have in view, and if this measure should appear to have a tendency towards making our future security more precarious, surely it is mad in us to put ourselves to any such expence.

For making this appear, Sir, I must examine what is meant by the balance of power, how it stood by the former systems of affairs in Europe, and how it must stand, if it can stand at all, by any future system. From the accession of Charles the fifth, to the Spanish and Imperial thrones, the balance of power leaned towards the House of Austria, and therefore it was the business of this nation to side now and then with France, in order to pull down the overgrown power of the House of Austria, or at least to prevent its growing to any greater height. In Henry the 8th's reign, and his two next successors, our true interest was neglected and sometimes sacrificed; but queen Elizabeth wisely and steadily pursued it, and thereby established the balance of power; and what is most surprising, without putting the nation to any great expence, or involving it in any debt. By the emperor's being often involved in wars either with the Turks or the princes of Germany, and by the stupidity of the Spanish court, the French at last, in our Charles the 1st's reign, and during the usurpation of Cromwell, began to get the ascendant, and from that time so increased in power, that before the Revolution it was become formidable to Europe, and therefore it was our business to join with the House of Austria in pulling down the power of France, or in raising the power of that House, so as to make it near an equal match for France. This we did, and did it effectually, though we must say at a monstrous expence, from the Revolution till the year 1721, when the balance was so equal, that but a small assistance from the maritime powers might have turned it to which side they pleased.

But how, Sir, was this equality established? Wherein did it consist? Not singly in the dominions possessed by the House of Austria, but jointly in that House's being possessed of those dominions, and at the same time in possession of the Imperial throne, with a prevailing influence upon the diet of the empire, by which she was almost sure of engaging the empire in her quarrel. This, Sir, was the system upon which the balance of power stood in the year 1721; and if we had not then begun to shake it as well as desert it, it might have stood firm upon this basis to this very day. The electoral princes of Germany were, it is true, jealous of the power of the House of Austria; but if we had stood firm, no one or more of them would have ventured to have joined with France against that House; because as long as she made no open attack upon the liberties of the empire, nor upon the properties of any of the princes thereof, she would always have had a majority of the diet in her favour. But our coolness towards that House, and our deserting her in the year 1733, gave the first blow to her power, and has now at last overturned that system, upon which the balance of Europe was established, at the expence of hundreds of millions, and many thousand lives, to this unfortunate and infatuated nation.

Is it now, Sir, in our power to restore the same system? Is it in our power to restore the House of Austria to her lost dominions? Is it in our power to restore her to the imperial throne, or to that influence she formerly had upon the diet of the empire? Sir, if it were in our power, I do not believe it is in the will of our ministers to do so. To humour an infatuated and ill judging people, and to accomplish some of their own private ends, they may pretend to assist the queen of Hungary; but if they could, I do not believe they would restore the power of that House, so as to make it near equal to what it was, or in any degree a match for the kingdom of France. If they had any such view, I am sure it would be chimerical, because none will assist us, most of the princes of Germany would unite against us; nay, I do not know, if the foreign troops we have now in our pay, or the

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Hanoverians we are to take into our pay, would assist in carrying on any such scheme; for surely those troops would not assist in dethroning an emperor chosen and acknowledged by their own master.

From hence, Sir, it is evident, that the balance of power cannot be established upon its ancient basis; and therefore the preserving or diminishing the power of the House of Austria can be of no great concern to this nation, nor could be of any, ever since the elector of Bavaria's being chosen emperor. The only basis upon which the balance of power can now be established, is to restore a firm union and good correspondence among the several princes of Germany, and to detach every one of them, as much as possible, from any slavish dependence upon France. If this had been our scheme, and it is the only wise scheme we could propose, after the emperor was chosen, instead of sending troops, we ought to have sent ministers (not such as we have of late years sent abroad) into Germany; in order to have had an end put as speedily as possible to the war in that country. In this scheme, I believe, both the Dutch, the king of Prussia, and the several circles of the empire, would have joined with us more heartily than they will do in any other, because it is their, as well as our interest, to have an end put to that war; whereas it is the interest of France, to have the war continued as long as possible; because the longer it is continued, the more the princes engaged will weaken one another, the more difficult it will be to restore a good harmony between them, and consequently the more difficult it will be to restore activity or force to the Germanic body. That these are the politics of France, we may see by her whole conduct in the present war, by her sending at first no very great force to the assistance of the elector of Bavaria, by her leaving the king of Prussia to fight his own battles, and by her now having in Bavaria only such an army as may enable the emperor to continue the war.

If peace had been restored to Germany soon after the emperor's being chosen, he would never have been under any slavish dependence upon France, much less would he have contributed to any increase of power in such a dangerous rival: he soon became sensible of his being made a tool by France, for disuniting and weakening the Germanic body: if he had been established in his throne by our mediation, he might probably, in a short time, have been become as great an enemy to France as ever the House of Austria was; and if we had applied our whole strength to a vigorous prosecution of the war with Spain and towards defeating her schemes in Italy, we might by this time have forced her to submit to reasonable terms. But suppose we had not: suppose the war had continued between Spain and us, and that France had joined with Spain against us, both together could not fit out a naval force equal to ours, so that we might have carried on the war with success against both, and to the utter destruction both of the trade and plantations of France; for without a superior fleet she could have defended neither. If the peace of Germany had been restored, and the emperor established upon the imperial throne by our mediation, France would have had no great influence upon him, and much less upon the Germanic body; and consequently neither could nor durst have pretended to give laws to the rest of Europe: because it would probably have drawn that great body unanimously into a confederacy against her; but if that body should be ruined by a tedious and consumptive war, supported at the sole charge of this nation, we shall not only exhaust ourselves, so as not to be able to maintain our naval force, but weaken the Germanic body, and attach the emperor more strongly to France; and if the queen of Hungary should at last be obliged to submit, thus exhausted and distressed, we shall be left exposed to the vengeance of France and Spain, supported by an enraged and dependent emperor of Germany. In this case, indeed, it would be in the power of France to give laws to the rest of Europe, and to oblige all the powers thereof to interdict us their ports, if not join with her and Spain against us.

From all which I must conclude, Sir, that if our ministers mean any thing by sending our troops to Flanders, and taking such a numerous body of Hanoverians into our pay: I say, if they mean any thing, besides that of imposing upon the nation, and making a present to his majesty of 6 or 700,000*l.* their measures will render our future security more precarious than it would, or could have been, had they put the nation to no such expence, nor engaged it in any such romantic measures; because, by continuing the war we weaken, perhaps may destroy that basis upon which alone the balance can now be established, and which can no way suffer by taking from one and giving to another



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of the German princes, as long as France gets no part of the spoil, nor Spain any success without first coming to an accommodation with this nation; for as to any accession of power, Spain, or the princes of Spain, may acquire in Italy, it signifies nothing to the general balance, because the connection now subsisting between France and Spain, can last no longer than the present king of Spain's life, which cannot be of any long duration; and upon his death the ancient jealousy between those two kingdoms, will very probably revive, which would of course throw the power and influence of Spain into the balance against the overgrown power of France, and would be a new and a very great additional security for preserving the liberties of Europe.

I know, Sir, I am arguing against the general cry of the ignorant and unthinking part of this nation; but, I hope, our ministers are not to be reckoned amongst that set of men. I shall grant that the basis upon which the balance of power stood established in the year 1721, was more firm and certain than that I am now recommending. Whilst it remained fixed upon that basis, we could with more certainty depend upon the Germanic body's acting with vigour and unanimity against France, than we can do, when the power of the House of Austria is divided, and the head of the empire without any great influence upon the body; and therefore we have the more reason to resent the fatal change that has been brought about, chiefly by the weak or wicked measures of our ministers here at home. To preserve or increase the power of the House of Austria has been the cry our people have been used to for threescore years past: whilst that power could be set up as a match for the power of France, it was a right maxim: if it were now possible to do so, it would still be a right maxim; and therefore I am not at all surprised, that this should still continue to be the cry amongst those who do not consider or perceive the impossibility of the thing: but every man who considers the present state of Europe, must be sensible of its being now impossible to restore the power and influence of the House of Austria, so as to set it up as a match for the power of France; because all the princes of Germany would declare openly against it: even the elector of Hanover might, perhaps, as elector, declare openly against it; and if he should declare against it, I believe, the ministers of the king of Great Britain neither would nor could act vigorously in the prosecution of such a scheme.

I must therefore necessarily conclude, that this cannot be the scheme upon which our troops were sent abroad, or the Hanoverians taken into our pay; and as I can think of none other, I must suppose, that our troops were sent abroad in order to amuse the queen of Hungary, and persuade her to reject the propositions of peace made to her last summer, which were as good, I believe, as any we can procure for her, in order that our ministers might, from the continuance of the war in Germany, have a pretence, or some shadow of an argument for persuading this nation to take 16,000 Hanoverians into its pay. The hon. gentleman says, we were obliged to send our troops abroad, in order to convince our allies of our being resolved to act with vigour, and to remove that opinion which our former conduct had instilled into them. Sir, if our new ministers had sincerely and heartily joined in punishing those who had brought such a reproach upon their country, and in getting such laws passed as the people think necessary for securing their liberties at home, it would have been a much more effectual, and a much cheaper method of removing that opinion which our late conduct has instilled into the minds of foreign courts; for they all know, from experience, that this nation both will and can act with vigour, when it happens to be under a popular administration; but that our government is of such a nature, that it never did, nor ever can act with vigour, when it is administered by men who have rendered themselves hated or despised by the people. This we may be convinced of by the vigorous resolution taken by the Dutch, as soon as they heard of a change in our administration; and the slackness that ensued in their counsels, as soon as they found that that change was not like to be agreeable to the people.

It is this, Sir, that has confounded the counsels of all those who ought to be our allies. It is the unpopularity of our government, and the discontents still reigning among the people of this nation, that has convinced all the courts of Europe, that there is no dependence to be had upon, nor much to be apprehended from any thing we can do; and this, perhaps, has defeated the best scheme I ever heard mentioned for restoring the balance of power, and settling it upon the most solid

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and lasting foundation. I mean that of drawing off the emperor, as well as the king of Prussia, from their alliance with France, and getting the whole Germanic body to unite with the Dutch and us in a confederacy for aggrandizing the House of Bavaria at the expence of France. If this could have been done, it would have been a pulling down the power of France, which is what we ought principally to aim at, and adding to the power of the Germanic body, so that both ways it would have operated for securing the liberties of Europe; but for this purpose all the parties concerned must have acted with the utmost vigour, which was not to be expected from this nation, whilst the discontents of the people are not only general, but too ready, I am afraid, to break out into a flame. From hence, I am convinced, that our ministers had not the least view of procuring such a confederacy, when our troops were first sent into Flanders, and much less can they have any such view at present. Nay, I believe, the Dutch have expressly declared against attacking France, and whatever may be pretended, however far the pretence may be pushed, I believe, none of our troops, at least none of our auxiliaries, will actually attack the emperor; therefore I must suppose, and next summer may probably justify my supposition, that after having made a parade, and stript this poor nation of four or five millions, we shall end where we ought to have begun, in negociating a peace between the emperor and the queen of Hungary, and such a peace too, as was offered to her last summer, and would probably have been accepted by her, if we had no way interposed.

For this reason, Sir, I hope, it will not be said, I am opposing the measures of our ministers, when I declare against our entering into the war in Germany upon the present footing. Though I argue against their pretended, I am convinced, I do not argue against their real sentiments. Whatever opinion I may have of their integrity, I have a better opinion of their understanding than to suppose, that they would undertake such a romantic scheme, as that of restoring the House of Austria to its former power and influence; and therefore, I hope the hon. gentleman will not say, that I alter my sentiments merely because our ministers have altered their measures. I never was for war or peace, merely because I saw the ministers resolved to pursue the contrary measure, nor is this, I hope, ever a motive with any gentleman of this House; but I pardon the hon. gentleman for supposing that it is, because it is very natural for gentlemen (who have laid it down as a maxim, to be for every measure they find the ministers resolved to pursue,) to suppose, that others oppose the ministers' measures merely for the sake of opposition. Has any gentleman, who declared for a war with Spain, as yet altered his sentiments? Are not we still for a vigorous prosecution of that war? But this too may, perhaps, be said to proceed from a spirit of opposition; for it cannot be said, that our ministers have ever yet prosecuted that war with vigour, and of late they really seem to have quite forgot it.

Has any gentleman ever said, that we were by ourselves alone to undertake the cause of the queen of Hungary; and that without the assistance of the Dutch, or even of the elector of Hanover, we are to restore her to the possession of all her former dominions, to dethrone the emperor, and to place the duke of Lorrain in his stead, not only in spight of France and Spain, but in spight of the empire itself? This, Sir, is the fallacy of the hon. gentleman's argument, when he tells us, we shall be guilty of unsteadiness in our opinions and behaviour, if we do not come into such a scheme. All that has been said, in parliament, all the declarations or addresses of parliament, for assisting the queen of Hungary, have been upon this condition, that the other powers, who are engaged by treaties, and bound by interest to support her, should join with us in assisting her. This condition the hon. gentleman has, it seems, forgot, I shall not say wilfully, and now he charges us with having been formerly of opinion, that without her being assisted by any, but ourselves, there were reasonable grounds to hope, that the balance of power might be again restored, and the tranquillity of Europe re-established. Is not this, Sir, a downright misrepresentation of the fact? And since we now find, that none of the powers of Europe will join with us in assisting her, that even the electorate of Hanover will not send her the 4,000 men stipulated by the guaranty of the Pragmatic Sanction, is it not a good reason for our refusing to concur in a scheme, which it is impossible to execute, and which, by our joining in it, may render the emperor more dependent upon France than he otherwise would be, and conse-

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quently destroy, or very much weaken that basis, upon which alone the balance of power can now be established.

The very reason given for our taking the Hanover troops into our pay, is a proof of its being ridiculous in us to think of re-establishing the balance of power upon its former foundation, and was certainly the strongest argument that could be urged against this measure. The hon. gentleman was so free as to tell us, that we took the Hanoverians into our pay, because we could not get any other. If this be true, I am sure, we ought not to have taken them, because it was from thence apparent, we could make no use of them; and if we could at that time have got any other, we ought to have taken any rather than those of Hanover; because by that means we might have engaged the prince whose troops we hired to join with us in espousing the cause of the queen of Hungary; and we might certainly have got the troops of any other potentate in Europe, at a cheaper rate than we are now to pay for those of Hanover; for I could shew, that we never paid so dear for any troops taken into our service, as we are to pay for these Hanoverians. But as I think, and I hope have demonstrated, that we ought not to take those troops into our pay at any rate, I have therefore no occasion to point out the several extraordinary articles that are in the estimates now lying upon our table. And as to their being already marched into Flanders, I do not think, we can be supposed to be thereby laid under any obligation, either to make good the charge of marching them thither, or to pay for marching them back; because it is evident, from our Address of last session, that we neither desired nor designed, that his majesty should put the nation to any charge in supporting the queen of Hungary, unless he was to be joined by the other powers equally concerned with us, and some practicable scheme formed for giving her such support as might restore the balance of power and establish it upon a solid foundation. Therefore, as it is not so much as pretended, that we ever had, or have now the least hopes of such a conjunction, if we do not comply with this demand, his majesty cannot blame his parliament: he can blame only those ministers that were so rash as to advise the marching of those troops; and, I am sure, our constituents would have great reason to blame us, if we should lavish away their money, for no other reason but to prevent his majesty's having cause to blame his ministers.

Mr. *Horatio Walpole*:*

Sir; I confess, I should have been no way surprised, had the hon. gentleman who made you this motion, saved himself the trouble of explaining his reason for making it, or for our agreeing to it; for they are so clearly deducible from facts so publicly known, that when I first heard of the march of the Hanover troops, and of their being taken into the pay of Great Britain, I was so far from thinking the measure would be opposed, that I imagined it would be highly applauded and readily provided for. I even then began to think, that after we had agreed to the proper resolutions for granting the

* "The first public measure which called for the exertions of Mr. Walpole, after the resignation of his brother, was the motion made in the House of Commons, the 10th of December, 1742, by sir William Yonge, to grant the sum of 265,190*l.* to his majesty, for defraying the charge of 16,000 Hanoverian troops in the pay of Great Britain.

"This motion was ably combated by Pitt, Waller, and lord Quarendon, who expatiated on the usual topics of declamation, that, since the accession of the House of Brunswick, the helm of the British government had been uniformly guided by the Hanover rudder. It was extremely embarrassing to those members of the new administration who had vehemently opposed the measures of sir Robert Walpole, as wholly subservient to the interests of Hanover. Mr. Sandys, chancellor of the exchequer, gave a silent vote in favour of the question; but lord Perceval, in direct contradiction to his former principles, defended it with great ability.

"Mr. Walpole opposed the violent invective against Hanover with an assertion equally positive, though, perhaps, equally ungrounded; that in no one instance had the interests of England been sacrificed to the interests of Hanover, but, on the contrary, the interests of Hanover had always been subservient to those of England. It must be confessed, that he maintained his position with extreme address, and supported his assertions with a luminous deduction of facts, from the treaty of Utrecht to the period in question.

"The speech of Mr. Walpole, on this occasion, was given in several periodical publications. I have no doubt of its authenticity, as several of his other speeches, in the subsequent debates, appear to have been published verbatim from copies in his own hand-writing, which are among his papers." Coxe's Memoirs of Horatio Lord Walpole.

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supplies necessary for the subsistence of those troops, I should have the pleasure to see this House unanimously resolving upon an Address of thanks to his majesty, for shewing such a mark of his affection for these kingdoms, as to lend us a large body of his troops, when he thereby exposed his own native dominions to the danger of being involved in the war, and to the highest resentment not only of France, but of the prince then chosen emperor of Germany, and head of the empire.

Sir, if we but consider the turn which the affairs of Europe took upon the death of the late emperor, there can be no occasion to persuade us to agree to this motion; and the least reflection must convince us, that that turn was not owing to any misconduct in our ministers, but merely to the unforeseen accident of the late emperor's dying, before any proper measures had been taken for giving him a successor in the imperial throne: I say unforeseen accident; because the late emperor was of a healthful robust body, and not very far advanced in years, no one could foresee, no one could reasonably suppose, that his death was so near approaching. By this event happening at such an unseasonable time for the rest of Europe, the French were encouraged to form a scheme, not only for giving an emperor to Germany, but for reducing still further the power of the House of Austria, their ancient rival, by parcelling out a great part of her dominions, amongst those princes of Europe who should appear most attached to the interest of France; and in both parts of this scheme she found but too certain hopes of success, from the ill-timed ambition of some of the princes of Europe, and a sort of panic fear in most of the rest.

In these circumstances, Sir, what was his majesty to do? What was this nation to do? If his majesty had been guided by his ambition as others were, and had shewn no regard to any thing but the extension of his German dominions, he might certainly have purchased some addition, by joining with the measures of France, for as he was king of Great Britain, as well as elector of Hanover, they would certainly have thought it well worth their while to have purchased his friendship, and hearty concurrence almost at any rate. On the other hand, if he had been awed by fear, as some others seemed to have been, he would have remained quite inactive, without putting himself or this nation to any expence, which would have deprived some gentlemen, both within doors and without, of the pleasure they seem to take in opposing what is now under our consideration. But his majesty was too wise to be guided by either of these motives: he resolved to oppose the measures of France as much, and as soon as it was in his power; for which purpose he immediately ordered an augmentation of his armies in Hanover, as well as in Great Britain, to be ready to act as soon as a fit opportunity should offer. But as France had been enabled, by the ambition of some powers in Europe, to form a most powerful alliance; as fear in others made it at first impossible for his majesty to form a sufficient counter-alliance; and as his own dominions were in danger of being immediately attacked, he was obliged to conclude a treaty of neutrality; which neutrality, however, he wisely confined to his German dominions, and to the space of one twelve-month from the date.

As to that part of the French scheme relating to the election of an emperor, his majesty found it impossible to oppose it, because a great majority of the electors had positively resolved to concur in the choice of the elector of Bavaria, which resolution they had taken, not out of love to the French, or from any fear of their arms, but for two other reasons that were both very prevalent. First, to preserve their right of election, and prevent the House of Austria's acquiring any pretence from prescription to say, that the imperial diadem ought always to be continued in that House; and secondly, because there was no male representative of the House of Austria, and it was not proper to chuse the duke of Lorrain, lest by the queen of Hungary's dying without children, the empire should come to have a head who had not dominions sufficient for supporting the lustre and dignity of the imperial diadem. These reasons prevailed with a great majority of the electors to fix upon the elector of Bavaria, and his majesty finding it needless to oppose, concurred in the election.

To these reasons, I may add, Sir, that most of the princes of the empire had found the inconvenience of continuing the imperial dignity so long in the House of Austria, and had by turns felt the weight of the power that House had thereby acquired, which was certainly grown so great as to be a little inconsistent with the liber-

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ties of Germany, however much it might tend to the preservation of the liberties of Europe. This was a third reason for uniting the electors in the interest of the House of Bavaria, with regard to the election; and was, perhaps, a reason that prevailed with many of them to fall in with the views of France, even with regard to the lessening the power of that House; especially as France has all along taken care to persuade the world, that she had no design to add any thing to her own power or dominions.

If his majesty had shewn a regard only to the interest of his German dominions: if he had been governed by the maxim that has long prevailed in Germany, of pulling down the overgrown power of the House of Austria; he would certainly have joined in the scheme for dividing the dominions of that House, and might perhaps have come in for a share, or at least, some equivalent; but his majesty, in this, as well as all his former measures, has been entirely governed by the sole interest of England. He considered that as the House of Austria is the present and rightful possessor of those territories which are now called the Austrian Netherlands, we might always depend upon that House as our faithful ally, for that reason, which chiefly prevails among princes, because it is her interest to be so. If ever France attempts to extend her dominions, that attempt will certainly fall first upon the Austrian Netherlands; but as she cannot propose to succeed in any such attempt, till she has first brought this nation so low as not to be able to prevent it, or established a government here that will not endeavour to prevent it, therefore her first attempt will undoubtedly be against us, or, at least, against our present happy establishment; but as the conquest of the Austrian Netherlands will be the certain and immediate consequence of France's succeeding in any such attempt against us, therefore we may depend upon the assistance of the House of Austria, if ever France should make any attempt against us.

For this reason, Sir, even supposing that the balance of power must now depend upon the harmony and unanimity of the Germanic body, which, in my opinion, it always did in time past, as well as it must do in time to come, yet it is the interest of this nation to preserve the dominions and power of the House of Austria as entire as possible. This made his majesty resolve to defeat the second part of the French scheme; but as this was not to be done without drawing off some of those princes that were at first engaged in the French alliance, and as he found it impossible to do this without giving up some part of the Austrian dominions, therefore his first attempt was, to prevail upon the court of Vienna to give satisfaction to the king of Prussia, and upon that prince to accept of what the court of Vienna was willing to give. In this his majesty has succeeded better, or at least sooner, than could be expected; and the consequence of this has been, a reconciliation between the courts of Saxony and Vienna, with little or no loss to the latter.

His majesty's next care was, to provide for the safety of the Austrian dominions in Italy, and to defeat the designs of our declared enemies the Spaniards. For this purpose it was necessary to prevail with the court of Vienna to make some cession to the king of Sardinia, who may be said to keep the keys of Italy, and to prevail with that prince to declare openly against the Spaniards. In this too his majesty has succeeded beyond any hopes which the most sanguine could entertain a twelvemonth ago; and in order to weaken and distress the Spaniards still more in Italy, he has, by his superior squadron in the Mediterranean, not only locked up their fleets in port, but compelled the king of the two Sicilies to declare for a neutrality.

These things were all done, Sir, or resolved on, before our troops were sent to Flanders, or the auxiliary troops, either of Hanover or Hesse Cassel, were ordered to march; but two things still remained to be done, and that was, to secure the king of Sardinia from being attacked by the French, in conjunction with the Spaniards, and to draw the Dutch out of that inactivity, which despair of being able to oppose the views of France had frightened them into. For both these purposes it became necessary to form a numerous army in Flanders, and therefore his majesty, early last summer, ordered a large body of his British troops to be transported to that country; but as it was not possible for us to spare such a body of our own troops, as was necessary to form such an army as might give apprehensions to the French, or courage to the Dutch, his majesty was obliged, not only to order the Hessians in our pay to march, but to take another large body of foreign troops into our pay, and as his own Hanoverian troops were

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not only the readiest at command, but the nearest to the place of rendezvous, 16,000 of them were accordingly ordered to march to join our army in Flanders.

This, Sir, has already had a very great and good effect. The French not knowing what we might undertake, and being jealous of the Dutch, were obliged to march such a body of their troops towards Flanders, that they could spare not so much as a regiment to join with the Spaniards in oppressing the king of Sardinia, and compelling him to desert the engagements he had entered into with his majesty and the queen of Hungary; and the Dutch being by this army secured against any sudden attack from the French, have begun to entertain thoughts of joining with us in assisting the queen of Hungary, which, I am persuaded, they will resolve on as soon as the forms of their government will permit; because when they judge impartially, and without being influenced by any apprehensions of being immediately swallowed up by France, they must conclude, that it is their interest as well as ours, and upon the same account too, to preserve, as entire as possible, the power of the House of Austria.

Thus, Sir, in one twelvemonth's time, the queen of Hungary, by the assistance we have given her in money, by our mediation with the courts of Berlin, Dresden, and Turin, by the influence of our army in Flanders, and fleet in the Mediterranean, and by the fidelity and bravery of her own subjects, has been raised from the most forlorn, the most desperate condition that ever any princess, not absolutely conquered, was in, to a state of triumphing over her present and most inveterate enemies in every part of Germany, and of rejecting with scorn those terms of peace, which her enemies would, with derision, have heard proposed by her but a twelvemonth ago.

From this change in the face of affairs, Sir, we have good reason to hope, not only that the tranquillity of Europe may be speedily restored, and the balance of power re-established, but also that we may be able, very soon, to force Spain to submit to reasonable terms of peace with this nation. Whereas, if we had sate still, and allowed France to parcel out the Austrian dominions as she pleased, what fatal consequences might we not have expected? As France would then have had no occasion for keeping up a very great land army, she would have disbanded a great part of it, and applied all that saving towards repairing and augmenting her naval force. A great number of ships might have been built in a year or two, and her land soldiers, as fast as disbanded, would have been converted into marines, and sent on board her ships, with a few seamen in each, to instruct them in their trade. By this means she might soon have provided herself with a most formidable navy, and in the mean time she would have encouraged Spain to continue the war against us.

I have, Sir, as good, and perhaps as just an opinion of our naval force, and of the bravery of our seamen, as any gentleman whatever; but let us recollect, what a figure France made at sea towards the end of the last century, and even in the last war in queen Anne's time. If we had then had no assistance from the Dutch, we should not perhaps have found ourselves such an overmatch for the French at sea, as some people imagine we now are; and yet, during all that time, she kept up most numerous armies at land. What then have we to expect, should the whole treasure and strength of France, or the greatest part of both, be turned towards gaining a superiority, or at least an equality at sea? In the last two wars, we gained, it is true, by the help of the Dutch, several great naval victories over the French, but it was not altogether by those victories we beat them out of that element. If I may be allowed the expression, by land we beat them out of the sea. We obtained so great and so many victories at land, that they were forced to neglect their sea affairs, in order to apply their whole strength, both in money and men, to defend their country, I may say, their capital, at land. Therefore, if both France and Spain should join in a war against us, and we should have no one to assist us, nor they any enemy to fear at land, I would not have gentlemen vainly imagine, that we should be in no danger of losing our superiority, even upon our own element; and if we did, what dreadful consequences should we not have to apprehend?

Thank God! Sir, by the wise measures his majesty has taken, and is now about, we seem at present to be out of this danger; and in all those measures, I hope, I have made it evident, that his majesty has solely pursued the interest of Great Britain, even at the risk of his German dominions. I am therefore surprised, how any one can suppose, that the interest of

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Great Britain has, in any of our late measures, been sacrificed to the interest of Hanover; but as this scandalous reflection (I beg pardon for the expression, my concern for our present happy establishment forces it from me) has been carried much farther back than any of our late measures, I must beg your indulgence for removing that aspersion.

It is impossible, Sir, to mistake the spirit by which the authors and propagators of this misrepresentation are actuated, when we consider that they begin it with the very first transaction of a foreign nature, in which his late majesty was engaged after his accession, and carry it down from that time to this very day, pretending, that not only our dispute with Sweden in the year 1715, but all our foreign transactions since that time, have been governed by that influence which the interest of Hanover has had upon the counsels of Great Britain. A misrepresentation thus begun and continued can proceed from nothing but a spirit of Jacobitism, and a fixed design to render the people of this kingdom disaffected as well as discontented; and therefore it is the duty of every man who is a friend to our present happy establishment to set the affair of Sweden, and all our other foreign affairs, in their just and true light, which may easily be done by any one that considers the dates of our negociations and treaties, and the circumstances our affairs were in at each respective time.

As to our dispute with Sweden in the year 1715, it was so far from proceeding from his late majesty's purchase of Bremen and Verden, that it took its rise from what had happened before his accession to our throne. For several years before that time, our trade had been interrupted in the Baltic, and several of our merchant ships plundered by Swedish privateers or cruizers. This we had complained of at the court of Sweden, often before his late majesty's accession; and as the Dutch had met with the same treatment, they joined with us in those complaints. We had jointly presented several memorials to the king or senate of Sweden, before as well as after his late majesty's accession; and when his late majesty found, that these memorials had no effect, he at last resolved, in conjunction with the Dutch, to send a strong squadron into the Baltic for protecting the trade of both nations. Accordingly in May 1715, the British and Dutch squadrons sailed to the Baltic, whereas the treaty between his late majesty, as elector of Hanover, and the king of Denmark, about the purchase of Bremen and Verden, was not concluded till the 26th of July following. Therefore, it is evident, that our sending a squadron into the Baltic proceeded from his late majesty's care of our trade, and not from any engagements he was under by a treaty which was not concluded till some months after.

The same cause made it necessary for us, and for the Dutch as well as us, to send a squadron into the Baltic in the year 1716; and the behaviour of the king of Sweden towards this nation, made it at last necessary for us to come to an open rupture, and to provide against the designs of that violent and obstinate prince. Thus it is apparent, that in this whole affair between Sweden and us, the interest of Hanover could have no manner of concern; and as little in the defensive alliance concluded in 1716, between his late majesty and the emperor. Before and at the time of concluding this alliance, the court of France, even after the regent's getting the government solely into his hands, had given evident indications of their being inclined to prosecute a scheme concerted in their late king's life time, for setting the Pretender upon the throne of these kingdoms. This made it necessary for his late majesty to provide for his defence, which he did, first by procuring an accommodation of all differences between the emperor and the states general in the year 1715, and afterwards by this defensive alliance with the emperor in the year 1716. By these two treaties he laid a foundation for another grand confederacy against France, in case that court had persisted in her design of establishing popery and arbitrary power in this kingdom, by placing a popish Pretender upon our throne; and the fear of this had such an effect upon the late Regent of France, that it produced a thorough change in his measures, and made him court the friendship instead of provoking the resentment of the late king.

His majesty having thus secured himself and his kingdoms against those who were contriving the destruction of both, his next care was to secure the tranquillity of Europe, which had been left upon a very precarious, or rather upon no foundation at all. By the conduct of those who had negociated that infamous treaty, all faith and confidence had been destroyed

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among those who were the members of that formidable confederacy, which had brought France so low, and would have kept her so, if it had been preserved; and the dispute about the succession to the Spanish monarchy was left subsisting without any sort of agreement between the two parties pretending to that succession. By the two treaties I have mentioned, his late majesty had entirely restored that confidence, which formerly subsisted between the three chief members of the grand alliance; but the dispute, or rather an open war still subsisted between the emperor and Spain, and the latter was actually making preparations for its prosecution, so that something still remained to be done for restoring and preserving the tranquillity of Europe; and as the regent of France was then willing to join with his late majesty in his pacific measures, this produced first the treaty of Alliance and Guaranty between France, Great Britain, and Holland, in the year 1717, by which we obtained the demolition of Mardyke, and the banishment of the Pretender from Avignon; and the quadruple alliance between the Emperor, France, Great Britain, and Holland, by which the dispute about the succession to the Spanish monarchy was fully determined, and a method settled for compelling the king of Spain to agree to it, in case it should be found, that no fair means would prevail.

But, Sir, the king of Spain, after having adjusted all his differences with us by the treaty in 1721, agreed to submit all his differences with the emperor to be determined at the congress of Cambray, and in the mean time to suspend all manner of hostilities. Thus the affairs of Europe stood when the court of France sent back the infanta of Spain, and the emperor set up the East India Company at Ostend, which quite changed the face of affairs in Europe. The establishment of that company produced a difference between the emperor and the maritime powers, the sending back the infanta produced a breach between the courts of France and Spain, and the latter's insisting upon the restitution of Gibraltar and Portmahon, created an uneasiness between them and us; and all these joined together united the courts of Vienna and Madrid, and produced the famous treaty between them, concluded at Vienna in 1725. By the very terms of this treaty it was evident, that the emperor was resolved to compel the Dutch and us to submit to the continuance of his Ostend company, and that Spain was resolved to force Gibraltar and Portmahon from us, and perhaps to attack France, in order to revenge the affront put upon them by sending back their infanta. These designs, I say, appeared upon the very face of the treaty, and from the most undoubted authority his late majesty had intelligence, that engagements were entered into by secret articles between those two powers, which were of much more dangerous consequence to Europe in general, as well as to this nation in particular.

By these open and secret engagements between the courts of Vienna and Madrid, the tranquillity of Europe became exposed, and the trade of this nation was in danger of suffering from the privileges granted by the king of Spain to the subjects of his imperial majesty. Here again his late majesty's care for the trade of this nation and the peace of Europe, were manifested, by his so speedily and seasonably concluding the treaty of Hanover, and by the prudent measures he afterwards took in drawing other powers into that defensive alliance, and in preventing the return of the Spanish galleons from America, without which neither the emperor nor Spain could come at the sinews of war.

By these measures, Sir, the emperor and the king of Spain were defeated in all their ambitious schemes: the tranquillity of Europe was secured; and the trade of this nation restored to its former flourishing condition. Can it be said, that the interest of Hanover had the least concern in any of these measures? Did it receive the least benefit or advantage from any of these treaties? On the contrary, by his late and present majesty's declaring so openly, and acting so vigorously against the Ostend company, and the other projects of the court of Vienna, was not the electorate of Hanover exposed to an immediate attack? So that it may be justly said, that her interest and even safety has more than once been sacrificed to the preservation of the tranquillity and trade of this nation; for that it is again liable to an attack by the measures now pursuing, and particularly by those now under our consideration, I believe, no gentleman will question.

I hope, Sir, I have now fully removed that wicked aspersion which has been cast upon his late and present majesty's conduct: I hope, I have demonstrated, that the interest of this nation neither is now,



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nor ever has been so much as once sacrificed to the interest of the electorate of Hanover; and, that all our treaties and negociations, and in short all our foreign measures, ever since the accession of our present royal family, have been either defensive or preventive; and the respective events have shewn, that they were wisely calculated for the ends for which they were intended. I hope, therefore, the motion now before you will be unanimously agreed to; for though it has been insinuated, that the price we are to pay for these troops is extravagant, it will appear at first view to every one who reads over the estimate, that all the articles of expence are necessary, and no one of them charged higher than what is usual upon such occasions. Our ready compliance with this motion will convince the powers of Europe, that the parliament of Great Britain is resolved to concur with their sovereign in the most vigorous measures for supporting the queen of Hungary, let the expence or risk be what it will; and this alone may suffice to re-establish the peace of Europe, for both the emperor and France will from thence conclude, that they cannot pretend to prescribe terms to a magnanimous princess, supported by such brave subjects, and by so powerful an ally. This of course will incline them to submit to reasonable terms of peace, and will prevent the French king's aiming at any new addition to his own dominions, which he may very probably accomplish, if we allow him to reduce the queen of Hungary to any greater distress: for late experience may convince us, that we are not to trust to his most solemn protestations; and if this should be the consequence of our refusing to comply with this motion, I believe, the gentlemen who were the authors of that refusal, would find it very difficult to answer to their constituents for their ill-timed parsimony at such a dangerous conjuncture.

Lord *Quarendon:*

Sir; as the present unlucky situation of the affairs of Europe must be acknowledged even by those whose late conduct has been the chief occasion of it, they have certainly good reason to endeavour to assign an accidental cause; but no man who knows any thing of the late history of Europe will allow, that the cause they themselves assign, was such a one as could not be foreseen. The pretensions which some of the princes of Germany had to a part of the Austrian dominions were well known, and considering the circumstances of the late emperor's family, it was highly probable, that he might die, before any proper measures could be taken for giving him a successor to the empire. It might likewise have been foreseen, that upon this event's happening, the Bourbon family would endeavour to make their advantage of it, by raising, if possible, a civil war in Germany, and appropriating some part of the Austrian dominions to themselves. All these things were known, or might have been foreseen, long before we guarantied the Pragmatic Sanction; and the fatal consequences that have ensued might have been in a great measure prevented, if we had pursued proper and vigorous measures twenty years ago.

For this purpose, Sir, we should have been extremely watchful to prevent, if possible, any accession of power to the House of Bourbon, or any diminution of power in the House of Austria; and we should have made use of all our influence at the court of Vienna to procure some sort of satisfaction for those princes of the empire, who had claims upon the dominions, or pretensions to the succession, of that House in case of the emperor's death without male heirs. We should even have insisted upon this as a condition previous to our guarantying the Pragmatic Sanction; and if we had, we might at least have obtained such a satisfaction for the king of Prussia, as would have prevented his entering into any engagements against the House of Austria. Both these measures it was the interest of England to pursue, but both became inconsistent with the interest, the claims, or the resentments of the electorate of Hanover; and every one who knows any thing of our foreign transactions for twenty years past may easily judge, by which of these two jarring interests the counsels of this nation have been governed.

I am extremely sorry, Sir, to see any thing like this become the subject of our debate; but when it does, and as often as it may hereafter do, it neither is, nor ever will be the fault of those, who, from the duty they owe to their country, endeavour to expose this untoward and unlucky bias in our counsels: It is, and always will be the fault of those ministers who sacrifice their sincerity to their complaisance, and for the sake of gaining an interest in the cabinet, betray the interest of their country and of their sovereign. It was natural, it was even laudable in his late

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majesty to shew an affection to his native country, and the case is the same with his present majesty; but the very reason that makes it laudable in him to indulge it, renders it criminal in a British minister to flatter it, or even not to oppose it, when he sees that it is like to be prejudicial to the interest of Great Britain. This a British minister may often perceive, when it is impossible for his master to perceive it; for such is the weakness of mankind, that our judgment is often blinded and misled by our natural affections. I am persuaded, his late majesty would never have pursued any measure, however much for the interest of Hanover, if he had perceived it to be contrary to, or inconsistent with the interest of Great Britain; but the misfortune was, his affection for his native country, prevented his perceiving this inconsistency, and his British ministers, upon whose advice he mostly relied, had not the honesty to oppose what they found their master naturally inclined to.

This, Sir, has been, and may again be the case: I am convinced, it is the case with regard to this very measure now under our consideration; but it can never be a reason with any man of common sense or common justice, for having the least resentment against the person of his sovereign, and much less against the illustrious family now upon our throne. It is a very good reason for resentment against such ministers; and upon them, and them alone, the national vengeance ought to fall.

From hence, Sir, it must appear, that there can be nothing treasonable in any British subject, either within doors or without, to trace our public measures to their original and genuine motives, and to shew that they were founded upon such as were inconsistent with the true interest of Great Britain. If there be any treason in this case, it must be in those ministers and in them only, who allow themselves to be directed by such motives; for surely, the man who discovers the treason is not to be deemed the traitor.

After what I have thus premised, Sir, I hope, I may take the liberty to examine into the grounds of the measure now before us; and if it appears to me to proceed from a greater regard for the interest of Hanover, than for the interest of Great Britain, I hope I may say so, without being guilty of high treason: if I did not, I am sure, I should not perform that duty which I owe to my country, especially as a member of this House, and consequently obliged to declare my sentiments openly and freely upon every subject that comes to be debated here.

Now, Sir, if our public affairs upon any former occasion, have been directed by such a motive, it is natural to suspect they may be so again; therefore I shall first take the liberty to examine some of our foreign measures since the accession of the present royal family; and this liberty I am the more entitled to, because an hon. gentleman has in this debate endeavoured to vindicate all our foreign measures from any such aspersion, as he called it. If I can shew, that he has failed in his attempt, and that every foreign measure he mentioned, proceeded from a greater regard for the interest of Hanover than for the interest of Great Britain, it will be an argument for our suspecting at least, that the measure now under our consideration proceeds from a motive of the same kind, which will of course add weight to every argument for shewing that it does.

To begin with the affairs of Sweden, in the year 1715. I shall grant that the Swedish cruisers had given some interruption to our navigation in the Baltic for some years before, but this they were necessarily obliged to do, because they were then at war both with Muscovy and Denmark, and consequently had a right to visit all ships sailing in that sea, in order to prevent their carrying any contraband goods to the enemy. This we now do, on account of our being at war with Spain: this all nations do, when they are at war with any other nation. Perhaps the Swedish privateers or cruisers were, in the exercise of this right, sometimes guilty of acts of injustice or oppression: Perhaps some ships or goods were seized and condemned without just cause; but I am confident, we had very little of this sort to complain of: I am confident, that upon a strict examination many of the complaints made by our merchants, from which Mr. Jackson formed the demand he made in January, 1714-15, were found to be groundless; and my reason for being so is, because his late majesty did not insist upon a compliance with that demand, or any reparation in lieu of it.

Therefore as it is a maxim with all nations, not to go to war, or to have recourse to hostile measures, for trifles, I am convinced, we neither ought, nor would, upon this account alone, have menaced and insulted Sweden with a hostile squadron, as we did in May following.

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Surely, Sir, those gentlemen who a few years since argued so strenuously for not coming to a rupture with Spain, and for accepting of such a mere trifle, in lieu of the many hundred thousand pounds they had robbed our merchants of, will not say, that we ought to have gone to war with Sweden, or to have done any thing that might cause a rupture for the sake of 65,000*l*. even supposing that whole sum had been justly due to us?

Thus it must appear, that the protection of our trade, or the reparation of the damage that had been done to it, was not the true motive for our sending that squadron into the Baltic; we must therefore seek for another, and we need not go far for it. I hope the hon. gentleman will not pretend, that the purchase of Bremen and Verden was a bargain never thought of till the very day the treaty was concluded. There must have been a negociation previous to the treaty, and considering the difficulties with which it was attended, that negociation must have lasted for several months. As the treaty was concluded in July, 1715, that is, in less than twelve months after his late majesty's accession, I am convinced, the purchase was thought of, and the negociation begun, before his late majesty set foot upon English ground. The considerations publicly avowed were, that his late majesty, as elector of Hanover, should declare war against Sweden, pay 600,000 rix-dollars to the king of Denmark, and guaranty to him the possession of the duchy of Sleswick. These, I say, Sir, were the considerations publicly avowed; but it is highly probable that there was a private consideration previously promised, which was the sending of a strong British squadron into the Baltic, without which the king of Denmark could not proceed in his design of making a descent upon Schonen; and that the king of Denmark refused to conclude the treaty for the purchase, till this squadron was actually arrived in the Baltic. And further it is probable, that, as another private consideration for this purchase, his Danish majesty likewise insisted upon the elector of Hanover's engaging the king of Great Britain to guaranty his possession of the duchy of Sleswick; for it is impossible to assign any other reason for our burdening ourselves with that guaranty.

These public and private considerations being agreed on long before the treaty was signed, it became absolutely necessary to find out some pretence for sending a British squadron into the Baltic, and for this purpose a long account of damages sustained by our merchants was made out from their complaints, and probably was made as high as those complaints could possibly afford room for; which is another reason for supposing, that the demand made by Mr. Jackson in January, 1714-15, was, upon a strict examination, found to be without any just ground, at least as to the greatest part of it; for merchants often complain of seizures which, upon enquiry, appear to have been just, and agreeable to the law of nations.

As the interruption of our trade was thus to be made the pretence for sending this squadron into the Baltic, and as the Dutch had been interrupted in their trade as much as we, in order to give an air of truth to this pretence, it became absolutely necessary to prevail with them to join us with a few of their ships; and if we consider what they were then soliciting at the British court, we cannot wonder at their being a little complaisant to us in this particular; for they soon after got a large sum of money allowed them by parliament, for a debt they pretended to be due to them; and in November, 1715, the famous treaty was concluded between the emperor, the states general, and his late majesty, for securing to them their barrier, and for the yearly payment to them of several great sums of money, as well for maintaining that barrier, as for the reimbursement of those which were then due to them.

If we had meant only the protection of our trade, a few convoys would have been better than a great squadron; or if to procure immediate reparation and satisfaction from Sweden, our squadron should have insisted upon it, and have bombarded their towns in case of refusal. Whether our squadron made any such demand I know not, but I am sure, it returned without obtaining it, or shewing any resentment at its being refused; so that with regard to the end for which this squadron was pretended to be sent, it had a quite contrary effect, for it at last produced an open war between Sweden and us, which put an entire stop to our trade with that kingdom, and during that king's life was a great obstruction to it in every other part of the Baltic.

Thus, I think it is evident, or at least highly suspicious, that our war with Sweden proceeded from our having a greater regard to the interest of Hanover than to the interest of Great Britain; and this sus-



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picion will be greatly strengthened, when we consider the manner in which that war was put an end to. As the late king of Sweden was violent in all his passions, and obstinate in all his resolutions, while he lived his late majesty could never obtain from Sweden a surrender of their right to the duchies of Bremen and Verden, upon any consideration whatever; though it was strongly solicited and an offer made, that Great Britain should upon that condition join with him against Russia; as appears from a memorial presented to this court by the Russian minister in March, 1716-17. But upon the death of that king the Swedes resolved to give up for a valuable consideration, a right which, they knew, they could not recover, and therefore by a preliminary treaty concluded in July, and a definitive one in November, 1719, between the queen of Sweden and his late majesty, as elector of Hanover, they yielded up to his majesty the said two duchies, in consideration of a million of rix-dollars, which was the only consideration mentioned in the treaty; but from what followed very soon after, we may easily perceive, it was not the only one in the negociation; for so soon, as in the month of January following, a treaty of peace and alliance was concluded between his late majesty, as king of Great Britain, and the queen of Sweden, by which his majesty gave up not only all the pretended demands we had upon Sweden, on account of damages done to our trade before the war; but also all the real and just demands we had upon that crown during the war: and farther his majesty promised to assist her Swedish majesty, as soon as possible, with subsidies and soldiers, in her war against the Czar of Muscovy, and to continue that assistance till a peace should be restored.

Sir, can any motive of a true British growth be assigned for such a treaty? Considering the distressed condition Sweden was then in, generosity and compassion might have induced us to release or suspend a demand, which that unfortunate nation was not at that time able to satisfy; but no such motive, nor any advantage Britain could reap from an alliance with Sweden, could induce us to put ourselves to such an expence, or expose ourselves to the danger of a war with Muscovy; nor had this nation the least reason to find fault with the conduct of the Czar; for he did not so much as seem to aim at a conquest of Sweden: he aimed only at getting his conquered provinces upon the Baltic secured to him, and this we should have supported him in, because they opened a direct trade between us and Muscovy, which has been of great advantage to us, and may hereafter be of much greater. Yet in consequence of this treaty, we gave a large subsidy to Sweden, [250,000*l.*] and sent a powerful squadron into the Baltic, which produced a sort of war between us and Muscovy: I say, a sort of war; for the Czar was so conscious of the influence we were under, that in his manifesto upon that occasion, he said, he declared war against the king, but not against the people of England, which was a precedent, I wish, we had followed in our present war with Spain.

I must therefore conclude, Sir, that in the negociation between his late majesty, as elector of Hanover, and the queen of Sweden, it was stipulated that the elector of Hanover should prevail upon the king of Great Britain to conclude this treaty: and that though it was signed two months after, it was agreed on before the treaty for the cession of Bremen and Verden was definitively concluded. Consequently I must suppose, that our peace with Sweden, as well as our war, proceeded from a greater regard for the interest of Hanover than for that of Great Britain.

I shall, indeed, grant, Sir, that though Britain had no fault to find with the conduct of the Czar, yet the elector of Hanover had on account of the affairs of Mecklenburgh, which the Czar had intermeddled in, because of the near relation between him and the unfortunate duke of that name; and as this affair will contribute towards discovering the true motives of some of our other public measures, I shall beg leave to explain it.

With regard to this duchy, there had been a very old family compact between the elector of Brandenburgh, now king of Prussia, and the duke of Mecklenburgh, by which, in failure of heirs male of either House, the other was to succeed; which contract had been approved and confirmed by several emperors: this gave the family of Prussia an interest in the affairs of Mecklenburgh, and a view of making it one day their own. On the other hand, as this duchy lay contiguous to the dominions of the Brunswick family, and would be of great advantage to them, by giving them a communication with the Baltic, as Bremen and Verden does with the German ocean, we may suppose, they have long been contriving schemes for

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getting hold of it. In 1664, a dispute began between the dukes of Mecklenburgh and the noble families of that duchy, which continues to this day: in this dispute the family of Prussia has always taken the part of the duke, and the family of Brunswick that of the nobles; and in 1708, or a little before, the latter obtained from the imperial court a protectorial commission, directed to the king of Sweden and duke of Wolfenbuttle, as directors of the circle of Lower Saxony, to take into their hands the administration of the government of that duchy.

In these circumstances that duchy stood when the Czar marched his troops into it, in favour of the duke and against the nobles. This could not but give offence to the family of Hanover, not only on account of their having always taken the part of the nobles, but because baron Berensdorf, at that time one of his late majesty's principal Hanover ministers residing here, was descended of a noble family in Mecklenburgh, and had made considerable purchases there. Accordingly his late majesty left no stone unturned for getting the Muscovite troops removed out of that duchy; and here likewise this nation was made to interfere by its ministers at several courts in Germany, of which the Czar complained heavily in the memorial I have mentioned, which was presented to this court in March, 1716-17. At last, by the interposition and weight of this nation, the Muscovite troops were removed; and by the same influence a new protectorial commission was granted in 1717, by the imperial court, to the elector of Hanover and duke of Wolfenbuttle, who, without any apparent cause, marched in such a large body of troops, as not only consumed the whole revenues of the duchy, but run it vastly in debt every year, which debt, by the laws of the empire, was to be discharged before those troops could be removed; and consequently a foundation was laid for the perpetual possession of that duchy; because the mortgage would in a short time have exceeded the purchase.

I shall by and by have occasion, Sir, to take farther notice of this affair of Mecklenburgh, and therefore shall now conclude it with observing, that from every circumstance it must appear, that our war both with Sweden and Muscovy was entirely owing to a peculiar and partial regard for the electorate of Hanover, and especially to the purchase made by his late majesty of the duchies of Bremen or Verden. Whether this nation paid any part of the purchase money either to Denmark or Sweden, I do not say; but it is certain that these two wars cost us an infinite sum of money, besides the interruption given to our trade; and I must observe, that in the beginning of the year 1717, 250,000*l.* was granted to his late majesty for providing for our defence against the designs of the then distressed and oppressed king of Sweden, which sum was never to this day accounted for, nor could it ever be discovered to what use it was applied: and I must farther observe, that in the year 1720, the very year after the million of rix-dollars was to be paid to Sweden for the purchase of Bremen and Verden, a provision computed at 600,000*l.* was made by parliament, for paying off the debts of the civil list; and because this provision did not bring in above 300,000*l.* therefore the very next year, a further sum of 500,000*l.* was granted by parliament for the same purpose; so that in these two years, we paid no less than 800,000*l.* for making good the debts of the civil list, notwithstanding his late majesty's having then been but six years upon our throne, and his being provided with a much greater civil list revenue than had ever been enjoyed by any sovereign of these kingdoms. Whether any part of this 250,000*l.* or of our civil list revenue, had been applied towards paying the purchase money of these two duchies, I shall leave to some future impartial enquiry, if ever this nation should be so happy as to see such a one set on foot.

My subject hitherto, Sir, may appear unaccountable, but what I am now to enter upon must astonish. The measures we were by a Hanoverian influence led into, with regard to Sweden and Muscovy, were attended with no bad consequences, save that of leading the nation into a needless expence, and an unnecessary interruption of a small branch of its commerce; but what we have by the same influence been led into, with regard to the House of Austria, have not only put us to a much larger expence, but have interrupted our trade in all its most valuable branches, and have at last *de fond en comble*, overturned the balance of power in Europe. In order to shew this, I must consider how the affairs of Europe were left by the treaty of Utrecht, and how they stood at his late majesty's accession to the throne.

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The treaty of Utrecht, Sir, which has been the buffetting stock of all our little politicians since that time, and which has been incessantly exclaimed against, even by those who have since shewn themselves to be arrant bunglers in treaty-making: the treaty of Utrecht, I say, Sir, if the parties chiefly concerned in the grand confederacy would but have satisfied themselves with what was reasonable, had established the balance of power upon a solid basis, and had laid a foundation for a contest between France and Spain, which could hardly miss of taking place upon the death of Lewis 14th, who by the course of nature could live but a very few years.

It was not, Sir, the treaty of Utrecht, but the insatiable ambition of the emperor and the Dutch, joined with an error in the first concoction of the grand confederacy, which broke the confidence that ought to have been preserved among its chief and original constituent members. That error had made it impossible for the allies to conclude a treaty of peace with mutual consent; for surely no man of common sense will say, that it was our interest, or that we ought to have united the whole Spanish monarchy with the imperial diadem, and the dominions of the House of Austria, in the person of the late emperor Charles. This would have been ridiculous: it would have destroyed the very end for which the grand confederacy was formed; and as no provision had been made by the terms of that confederacy, or by any future treaty, for the case of Charles's succeeding to his brother Joseph, there was no possibility of prevailing with Charles to join in any treaty or negociation, by which the Spanish monarchy was to be given to any other person.

On the other hand, Sir, the Dutch became so flushed with the success of the confederate arms, that they began to think of making themselves entirely masters of the Spanish Netherlands, as appears evident, I think, from the Barrier treaty they brought us into in the year 1709. It was this treaty, Sir, that gave the first shock to that confidence which subsisted till then between the confederates; for it was concluded without any communication with the court of Vienna, and the emperor, as soon as he heard of it, protested in the strongest terms against it. Surely no man will say, it could ever be for the interest of this nation, to have the Dutch made masters of the whole or the greatest part of the Spanish Netherlands; and yet this would have been the case, if they had got a liberty to put as many troops as they pleased, and when they should think necessary, not only into the towns expressly mentioned, but into all the towns, places and forts in the Spanish Low Countries, which was what they stipulated, and we agreed to, by the 6th and 7th articles of that treaty.

These circumstances, Sir, and these ambitious views in our two chief allies, made it apparent to us, that it would be impossible to begin and carry on any treaty of peace, with mutual consent and satisfaction; and as it was not our interest, nor, indeed, in our power, to carry on the war much longer, it became absolutely necessary for us to begin a treaty by ourselves. I shall not pretend to justify the treaty of Utrecht in every particular; but if we impartially examine, and candidly judge of all circumstances at that time, we shall not find reason to join in all the reproaches thrown out daily against that treaty, by those who have since made several more destructive, more dishonourable, and more ridiculous treaties than were ever made by this nation. By that treaty we obtained even for those allies that would not join with us in it, all that had been stipulated by the grand alliance: we raised considerably the power of the House of Austria: we reduced the power of France low enough, if proper measures had since been taken to keep it so; and we laid a foundation for a contest between France and Spain, which actually took place within one year after his late majesty's accession to the throne of these kingdoms. But as the imperial court would not agree to what had been stipulated with regard to Spain, though there was a cessation of hostilities, the war continued between the emperor and Spain at the time of that accession, and for several years afterwards. And as the Dutch were unwilling to depart from the Barrier treaty I have mentioned, and the emperor resolved not to agree to it, the regulation of that Barrier remained unsettled between them and the emperor, at the time of his late majesty's accession.

These, Sir, were the circumstances of affairs at the time, or soon after the time of his late majesty's accession. We had no interest, we were under no engagement to interfere, any other way than by our good offices, in the disputes either between the emperor and Spain, or between him and the Dutch; and we had nothing to

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fear from France, especially after the regent got the government solely into his hands; for Spain began immediately to intrigue against him, and this it was, and not our defensive alliance with the emperor, which made the regent of France court our friendship and alliance.

In these circumstances, Sir, what had we to do but to live in peace with all our neighbours: to avoid carefully entering into any new engagements; and to think of nothing but the utmost economy with regard to our domestic affairs, in order to pay off that great load of debt, and clear away that monstrous heap of taxes, under which the people of this nation then groaned, and are groaning to this very day. This was the interest of England: but the interest of Hanover was to make use of the power and riches of England for increasing its territories, and this our British ministers ought to have opposed with all their might, if they had faithfully served either their king or their country. Did they do so? No, Sir, I have already shewn, how they allowed their country to be involved in two wars upon that single account. But this was not all: by the treaty with Denmark the electorate got possession of Bremen and Verden: the next thing to be thought on was, how to secure it, and to obtain the investiture from the emperor and empire: for this purpose England was to enter into new engagements with the emperor, and to guarantee all the possessions he had, at the very time that Spain was preparing to attack his island of Sardinia; and this without stipulating any one thing for ourselves, or any one concession for putting an amicable end to the disputes between him and Spain: yet this was agreed to by the treaty in May, 1716.

It was impossible, Sir, not to foresee, that a war with Spain would be the consequence of this engagement. Was it then the interest of England to enter into it? We knew the emperor was able enough, notwithstanding his war with the Turks, to defend himself against the Spaniards in Italy; and surely neither the interest of England, nor the balance of power, could suffer by their taking the island of Sardinia from him. But the emperor on his part promised to guarantee all his late majesty then enjoyed and possessed, in which Bremen and Verden was included; and farther it is to be supposed, that the emperor promised, at least verbally, to grant his late majesty a protectorial commission for the duchy of Mecklenburgh, and to grant him the investiture of Bremen and Verden, as soon as Sweden could be prevailed on to yield up her right. These two promises, I say, are to be supposed, because the protectorial commission for Mecklenburgh was actually granted the year following, and because our court writers have since asserted the other, and reproached the imperial court with breach of faith in that respect.

These favours for Hanover, Sir, were by our ministers allowed to be a sufficient consideration for England's entering into an engagement, which would certainly involve her in a war with Spain. But before I leave this famous treaty, I must observe, that the two contracting parties engaged to defend and preserve, not only all they then actually possessed, but all they should afterwards by mutual consent acquire in Europe. It is evident, that this additional engagement had no relation to England, because it is against our interest to acquire any thing in Europe; but both the elector of Hanover and the emperor had each a view in this engagement. The former was, if possible, to acquire Mecklenburgh, and the latter the fruitful island of Sicily in exchange for the barren one of Sardinia. This the emperor had insisted on from the time of his late majesty's accession; and probably it was brought into negociation at the time this defensive treaty was negociated. I say probably, because if the duke of Savoy, then king of Sicily, had not known that this unequal bargain was to be forced upon him, he would have made a much better defence against the Spaniards when they attacked that island than he actually did; for he in a manner surrendered it up to them as soon as they landed. And probably the king of Spain would never have attacked that island, if he had not known, that a scheme was formed for compelling him to renounce the right of reversion as to that island, which he had reserved to himself by the treaty of Utrecht; for the court of Spain had certainly heard of this scheme, before they attacked Sicily, because it was finally settled and made a part of the Quadruple alliance, which was concluded in July, 1718.

Having now done with the motives, I shall next, Sir, consider the consequences of this defensive treaty with the emperor. As he absolutely refused to come to any terms of accommodation with the Spaniards, they attacked and took possession of Sar-

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dinia in the year 1717. Upon this event, he called upon us to perform the guaranty we had entered into the year before; and as he had then granted his late majesty the protectorial commission for Mecklenburgh, and seemed still willing to grant the investiture of Bremen and Verden, as soon as Sweden could be brought to consent to it, we engaged in his quarrel with a most extraordinary zeal, attacked and destroyed the Spanish fleet in 1718, and put him in possession of Sicily, and the duke of Savoy in possession of Sardinia, before the year 1720.

Though it was not the interest of this kingdom to engage with the emperor in this war with Spain; yet having once engaged, it was certainly both our interest and our duty to continue and push the war till we could bring our ally, as well as ourselves, off with honour and a reasonable satisfaction; but the interest of Hanover, unlucky for us, took this year a new turn, which prevented our performing our duty either to ourselves or our ally. For explaining this, I must observe, that in November, 1719, the definitive treaty between his late majesty, as elector of Hanover, and the queen of Sweden, was concluded, by which she yielded up her right to the duchies of Bremen and Verden; and upon this it is to be supposed, an application was made to the court of Vienna, for having the investiture forthwith granted; but a new obstacle presented itself, which was the claim of the duke of Holstein to those two duchies. As that prince was the son of the king of Sweden's eldest sister, he was, by the laws of the empire, which could not be altered by any regulation made in Sweden, the lineal successor to those two duchies, and as such he put in his claim, which the emperor could not but allow, and therefore refused granting the investiture without a surrender from that prince. I must likewise observe, Sir, that the duke of Mecklenburgh, supported by the Czar and king of Prussia, applied to the court of Vienna for an order to the elector of Hanover and duke of Wolfenbuttle, the protectorial commissioners, to bring in an account of his revenues, and their demands upon his duchy; and the emperor was so uncomplaisant, though I cannot say unjust, as to issue such an order, or Rescribatur, as it is called in Germany, dated April 23d, 1720.

These, Sir, were two strokes which could never be forgiven by the electorate of Hanover; and the first method it took to shew its resentment, was to persuade us to make up at any rate a separate peace with Spain, which we did the very next year, upon terms not very honourable, to say no worse; for we acknowledged ourselves in the wrong, by promising to restore the men of war we had taken from them in 1718, and his late majesty was induced to make a sort of promise, by a letter under his own hand, to restore Gibraltar to Spain. So little was the interest, or even the possessions of England minded by our ministers, when their preservation became inconsistent with the resentment of the electorate of Hanover against the emperor.

Thus, Sir, the electoral resentment began to shew itself against the House of Austria; and this has been the true cause of the many wrong steps we have made since that time, by which that House has been reduced to the lamentable state it is now in; for the late emperor was so far from endeavouring to mollify this resentment, that he rather sharpened it by his subsequent behaviour. From the year 1720, he continued to send such Rescribaturs as I have mentioned, yearly or half yearly. In 1722, he reduced the elector of Hanover's claim upon Mecklenburgh, which amounted to some millions of dollars, to between 6 and 700,000; and upon his late majesty's death, he refused to continue his protectorial commission to his present majesty, but instead thereof, granted the administration of the duchy to duke Christian Louis, brother and presumptive heir to the present duke; which administration he positively refused to revoke, notwithstanding all that could be done, by the mediation of France, at the congress of Soissons in 1729. This continued the resentment of the electoral House against the imperial, and it is this resentment that was the true cause of our treaty of Hanover in 1725; of our being so ready to join in an alliance with France and Spain in 1729, for compelling the emperor to admit the Spanish troops into Italy; and of our leaving him to shift for himself in 1733, when he was attacked by France, Spain, and Sardinia. Our abandoning him at that time was but too clear a proof of our not being sincere in the guaranty of the Pragmatic Sanction, which, through necessity, we had granted him but two years before: and this gave encouragement to that attack which is now carrying on against the queen of Hungary.



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It is easy, Sir, to find some other specious pretences for all these measures; but those have already been so often, and so fully refuted, that I shall not take up your time with a repetition, and therefore, I shall now examine our conduct, since the late emperor's death. Upon that unlucky event, (I say unlucky, Sir, for it had been made so by our conduct for above twenty years towards the House of Austria) every one might have foreseen, that the queen of Hungary would be attacked by the elector of Bavaria, supported by France, if they found any reason to hope, that she was not to be assisted, in the most sincere and vigorous manner, by the maritime powers and the united force of all or most of the other princes of Germany. This it was the interest of England to do: this it was the interest of Holland to do: this it was the true interest of all the other princes of Germany to do; but the chief and most potent of them, the king of Prussia, had some old claims upon the House of Austria, which were certainly to be satisfied, before it could be expected, that he would act with sincerity in favour of the queen of Hungary. Nay, it was very much to be apprehended, that he would join against her, if immediate satisfaction should be refused. If the British court had been actuated by a true British spirit, they would have stipulated satisfaction for him before they had guaranteed the Pragmatic Sanction; but in this too a Hanoverian spirit prevailed over our councils; for there had been long an emulation and a jealousy between the family of Brandenburgh and the family of Brunswick, and to this the late king of Prussia had added particular disobligations, by his not seconding our views in the treaty of Hanover, by his supporting the duke of Mecklenburgh against us, by renewing the old family compact with that duke in the year 1726, and by another incident of a more domestic nature. For this reason, we could not bear to think of stipulating any addition to the Prussian dominions on the side of Silesia, without which we could not expect his assistance in our guaranty of the Pragmatic Sanction; and yet, if our ministers were sincere in that guaranty, which there is great ground to question, it was ridiculous to think of it, without securing the assistance of Prussia, by procuring him at least a stipulated satisfaction, to take place upon the emperor's death, with regard to his claims upon Silesia.

But, Sir, though our ministers did not, perhaps, act with sincerity at that time towards the emperor, yet surely the dangers that threatened Europe by his death, should have made them act with sincerity towards their sovereign. Whether they did so or not we shall presently see. The emperor died, I think, on the 20th of October, without any satisfaction so much as promised to the king of Prussia, who therefore resolved to take by force what had hitherto been refused him by fair means, which resolution he executed with such expedition, that on the 17th of December he entered Silesia at the head of a considerable army; protesting however, at the same time, that he was ready to enter into a strict alliance with the courts of Vienna, Russia, and the maritime powers, for guarantying the Pragmatic Sanction, and for procuring the imperial dignity for the duke of Lorrain, upon condition of his receiving immediate satisfaction as to his claims upon Silesia, which had nothing to do with the Pragmatic Sanction, nor could be construed as a breach of that settlement; and intimating that he was willing to accept of a part of what he had a right to, and that he would assist in procuring her an amends for the loss she might sustain upon that occasion. In short, Sir, it appeared from every part of his conduct, that he was extremely willing to come to any reasonable accommodation with the House of Austria, and as unwilling to join with those who were meditating the ruin of that House, and soliciting, and even tempting him with great offers, to join with them in that project.

Upon this important emergency, Sir, what was the interest of England? How were our ministers, or our court, to behave in this dispute between the queen of Hungary and the king of Prussia? Surely, to solicit, to insist upon it, to make it the absolute condition of our doing, or promising to do any thing, in favour of the former, that she should at any rate give satisfaction to the latter, and bring him into a strict alliance with us. It was not enough to bring him into a neutrality. We stood in need of his powerful assistance. We could not do without it. If we had done this, she would have complied, she must have complied; and she might then have purchased his assistance for less than she has now purchased his neutrality; in which case, Bavaria might have protested, but he would not have dared to attack, and France would have continued to profess

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what she never had, a sincere regard for her engagements. Did our ministers do this, Sir? Does it not appear from the papers upon our table, they did not? What is the reason? Sir, the reason is manifest. The ministers of Hanover, for the causes I have already assigned, were averse to any extension of the dominions of Prussia. Nay, there is some reason to suspect, that they, foolishly imagining that France would not intermeddle in the affairs of Germany, began to form a scheme for joining with the queen of Hungary, and dividing the Prussian dominions between them; for, beside the paper we have heard of, sent hither from Vienna, we know, that as soon as his Prussian majesty attacked Silesia, and before the elector of Bavaria marched a man into Austria, or the French a man into Germany, there were orders given for adding 6,000 men to the troops of Hanover. With this view therefore it was not the interest of Hanover to insist upon the queen of Hungary's giving satisfaction to Prussia, and this, as in other cases, became the rudder of British politics.

Whether our British ministers gave any countenance to this scheme of attacking Prussia, I do not affirm; but there are some circumstances which render it highly suspicious; for before the French marched a man into Germany, there were orders given to the foreign troops in British pay to march towards Hanover, and some preparations made for embarking a large body of British troops, to be sent somewhere, and against somebody: where or against whom, I shall not pretend to say; but I am sure, it was not against our enemies the Spaniards. And whatever was the design of these preparations, they had a most fatal effect: they confirmed the queen of Hungary in her obstinacy towards Prussia, forced that prince into an alliance with France and Bavaria, and thereby produced the war now carrying on in Germany; for till that time, neither the French nor Bavarians would venture to attack, or to march a man against the queen of Hungary.

The march of the French troops, and their entrance into Germany, especially those that marched into Westphalia, awaked the Hanover ministers out of their golden dream: they thought no more of attacking Prussia, or of coming in for a snack of his dominions: they thought of nothing but a neutrality; and this too must have an effect upon our counsels; for at the same time that we were sending money to support the queen of Hungary, we allowed the Spaniards to pass quietly by our fleet to attack her. Like an aider at a boxing match, we help to raise her up, and then stand quietly by to see her knocked down.

Soon after this, Sir, there happened some little change in our counsellors, though I am afraid, none at all in our counsels; and contrary to all expectation, the queen of Hungary supports herself to a miracle. The king of Prussia too, by the ill usage he met with from the French, is drawn off from the alliance against her, which brought the present emperor, and the French army in Bohemia, into such distress, that they offer her very reasonable terms of peace. Upon this unlooked, unhoped for event, what was England to do? As, in the present circumstances of Europe, we can hardly expect to procure better terms for her, it was certainly the interest of England to advise her to accept of them. But the Hanover ministers observing how zealously the people of England had declared for the support of the queen of Hungary, they had, before this happened, formed a scheme, to make use of this our zeal as a handle for touching a pretty round sum of our money, under the pretence of lending us a body of their troops for the support of our favourite the queen of Hungary. It was therefore contrary to the interest of Hanover to advise the queen of Hungary to accept of the terms offered her; and, I believe, it will appear, that they had such an influence upon our British ministers as to get them to encourage her not to accept of them. Accordingly she rejects them, and to encourage her to do so, as well as to form a pretence for taking those Hanoverian troops into our pay, this nation was put to the expence of transporting a large body of its troops to Flanders, and of keeping in pay a much more numerous army than we should otherwise have had occasion for.

Thus, Sir, I think it is evident, that our taking those troops into our pay proceeded from Hanoverian counsels; and as we followed the advice of Hanoverian ministers, in taking those troops into our pay, I believe, we shall follow the same advice in the use we make of them, or even of our own that are joined with them. How the counsels of Hanover may alter, I shall not pretend to foretell; but at present, it is plain to me, that they do not intend to give any real assistance to the queen of

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Hungary; for if they did, they would at least send her the 4,000 men, which they are engaged to send her by their guaranty of the Pragmatic Sanction. As they have not done this, I must suppose, they do not intend to assist her; and as we neither can nor ought to assist her, without their concurrence, I am against putting the nation to an expence, which can no way redound to our own benefit, or to the advantage of our ally the queen of Hungary, however it may to Hanover.

Lord *Strange:*

Sir; in all affairs of a political nature, the vulgar without doors are very much swayed in their opinion by those sounds they have been long accustomed to, or those maxims they have long adopted. Without considering the difference of times, or the difference of circumstances, they are governed by a favourite sound, even after it becomes nothing but a sound; or by a maxim which when first adopted was right, but by a change of circumstances has become useless or perhaps pernicious. This is at present the case as to the people without doors, and from the course of the argument in this debate, it seems to be the case with too many even in this House. Whilst the House of Austria was possessed, and likely to remain possessed of the imperial diadem, the balance of power in Europe, and the power of the House of Austria, were synonymous terms, and for almost a century past they have been rightly considered as such. But from the moment the elector of Bavaria was chosen emperor, those two terms became distinct, and the balance of power in Europe had no more to do with the power of the House of Austria, than it had with the power of any other sovereign House in Germany,

As France is still the most formidable power in Europe, it is still the business of our politicians to find out such a balance for the power of France, as will at all times be ready to oppose the ambitious views of that nation; and I shall readily grant, that the House of Austria would be the most proper power in Europe for us to fix our eyes upon for this purpose, if it were possible for us to restore that House to the possession of the imperial diadem, and of all those dominions which it has lost within this last dozen of years. But is this possible, Sir? from the present appearance of things it is evident, that it is not. What then are we going to do? We are going to put ourselves to a vast expence, and to engage perhaps in a war, in which neither the interest of this nation, nor the preservation of the balance of power in Europe, has the least concern; for as long as the House of Austria cannot be set up as a balance for the power of France, and as long as the latter acquires no addition of power, what signifies it to this nation, whether the House of Austria or the House of Bavaria becomes the most powerful House in Germany? The latter has already got possession of the imperial dignity, by the assistance of France, and the late bad conduct of this nation: suppose it should by the same assistance get possesion of some of the dominions of the House of Austria, are we to suppose, that the House of Bavaria will therefore consent to be the humble slave of France, or that it will co-operate with the French king in establishing his arbitrary power over Germany, as well as the rest of Europe? No, Sir; if the House of Bavaria were once established in the peaceable possession of the imperial dignity, and of some part of the dominions of the House of Austria, the princes or emperors of the House of Bavaria would be as ready to oppose the ambitious schemes of France as ever the House of Austria was; and the sooner that House is established in the peaceable possesion of the imperial dignity, the greater part it acquires of the Austrian dominions, the more ready, and the more able will it be to oppose any of the future ambitious schemes of France; so that as affairs now stand, I do not know but that by supporting, or even assisting the House of Austria, we may be destroying the balance of power instead of restoring it, unless we could propose to divest the present emperor of the imperial dignity, to restore it to the House of Austria, and to take from France, and give to that House, an equivalent for what it has yielded to Prussia.

Can we propose to do this, Sir, without any assistance either from the Dutch, or from any of the princes of Germany? Surely, no such thought can enter into the head of the boldest minister we have amongst us; and therefore the first question stated by a noble lord in this debate, is not quite so clear as he imagines it is. But the noble lord, in this question, as well as the next, confounds himself by connecting the House of Austria with the balance of power, whereas there is really now no more connection between the House of Austria and the balance of power, than there is be-

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tween the House of Bavaria and the balance of power. Nay if the latter were once fully established, and likely to continue in the peaceable possession of the imperial diadem, there would then be a greater connection between the balance of power and the power of the House of Bavaria, than between the balance of power and the power of the House of Austria, or any other sovereign House in Germany. The other princes of Germany may sometimes be induced from particular views of their own, to favour the ambitious views of France; but whatever prince is at the head of the empire, he will always look upon himself as the rival of France, and will consequently be ready to join in defeating any ambitious design that may hereafter be formed by that powerful nation.

From what I have said, Sir, I hope it will not be thought, that I was at first against assisting the queen of Hungary, or that I should now be against assisting her *totis viribus*, if the Dutch, and some of the most powerful princes of Germany would resolve to do the same. In such a case we might propose to re-establish the balance of power upon its ancient foundation, by restoring the imperial dignity to the House of Austria, and by giving to that House an equivalent for the dominions it has lately been obliged to part with. This, I shall grant, would be extremely desirable, and therefore, I wish we could prevail with the Dutch and some of the princes of Germany to join with us in this scheme. I have so good an opinion of our ministers, that I am persuaded, they have attempted it; but the very demand now under our consideration is a convincing proof, that they have not succeeded, and will, I am afraid, be an obstruction to their future success. This demand must shew to us, Sir, and what is much worse, to all Europe, that we have not so much as prevailed with the electorate of Hanover to join with us in this scheme; for if that electorate had agreed to assist the queen of Hungary, *totis viribus*, it could not have desired of us to take the greatest part of its army into our pay; and when the electorate of Hanover thus openly refuses to join with us in such a scheme, can we suppose, that any other power in Europe will? I must therefore conclude, that as affairs stand at this present conjuncture, it is impossible for us to give the queen of Hungary such an assistance as will be effectual for re-establishing the balance of power upon its former basis, and for this reason I am against our giving her any farther assistance that what we are obliged to by treaty; this assistance I am indeed for giving, not because I think it will any way contribute towards the preservation or re-establishment of the balance of power, but merely because we are obliged by treaty to give it; for I shall always be for a most religious observance of treaties, however contrary it may be to the practice of the present times.

There is another assistance which, I think, Sir, we ought to give, not because it will be an assistance to her, but because it will bring distress upon our own declared enemies the Spaniards. You will readily suppose, Sir, I mean an assistance against the Spaniards in Italy. I am really surprised how we came to permit them to send any troops to Italy: I think it is an affair which demands a parliamentary enquiry as much as any affair that ever happened to us: but whatever we may do in this respect, I hope, care will be taken not to permit any such thing for the future. We may by our squadron prevent their sending any more troops thither by sea; and I hope that, by means of the alliance we have with the king of Sardinia, we shall be able to prevent their sending any thither by land. As the queen of Spain is, we know, very intent upon having her son Don Philip settled in Italy, and her native country freed from the dominion of the Germans, this may perhaps be a better, and a shorter method of obtaining satisfaction from the Spaniards, than any attack we can make upon them either in Europe or America; therefore we are not only in honour but in interest bound to prevent their making any conquests in Italy as long as they are at war with us; and for this reason I must think, that our allowing their fleet and land forces to pass undisturbed to Italy, was one of the greatest indignities, as well as one of the greatest prejudices, this nation ever suffered.

Having thus, Sir, explained what sort of assistance we ought to give to the queen of Hungary, and for what reason; I may, I think, conclude, that we ought not to assist her *totis viribus*, unless the Dutch and some of the most potent princes in Germany will agree to do the same, and consequently, the second question stated by the noble lord can admit of no absolute, but a conditional answer. If the other powers, who are equally concerned with us, will join with us, his lordship's

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question ought to be answered in the affirmative: if they will not, it ought certainly to be answered in the negative; and unfortunately for his lordship, his third question must, in either of these cases, have a negative put upon it; for if none of the other powers of Europe will join with us in assisting the queen of Hungary, and consequently we are to give her no assistance, but what we are obliged to by treaty, we have no occasion for taking either Hanoverians or any other troops into our pay, because it will be more convenient for us, and better, I believe, for her, to advance our quota in money; and if she should insist upon our quota in troops, we can spare enough, and more than enough of our own troops, and may, I hope, have liberty to march them through Hanover for that service.

On the other hand, Sir, if any of the powers of Europe are to join with us in assisting the queen of Hungary, *totis viribus*, the electorate of Hanover will certainly be the first; for as his majesty is absolute in his electorate, if the balance of power were really in danger, he would certainly order his electorate to join with us *totis viribus*, in which case we could have no occasion for taking 16,000 Hanoverians into our pay, because the electorate could, and certainly would send us 16,000 of those troops it maintains in time of peace, at its own expence. If, indeed, upon this occasion, the electorate were to send, at its own expence, all the troops it has now on foot to the assistance of the queen of Hungary, and to raise 16,000 more for the same purpose, there might be some reason for our taking that additional 16,000 into our pay; but even in this case it would be more prudent to take 16,000 of the troops of any other potentate in Europe into our pay, than to desire the electorate of Hanover to raise 16,000 fresh troops for our service. This, I say, Sir, would be more prudent for several very substantial reasons: our hiring 16,000 troops from any other prince in Europe, might be an inducement for him to join with us in assisting the queen of Hungary, or, at least, it might prevent his joining with France against us; whereas, without any such consideration, I hope, we are sure, that the electorate of Hanover will never do so: and lastly, Sir, it must be allowed that 16,000 veteran troops of any other potentate in Europe, would be more fit for immediate service than 16,000 troops newly raised in Hanover.

Therefore, Sir, if we were to assist the queen of Hungary, *totis viribus*, and were to take 16,000 foreign troops into our pay, the troops of Hanover are, in my opinion, the last we should think of; but as the noble lord was pleased, upon this his third question, to state three or four previous questions, I shall beg leave to give every one of them a proper answer, beginning with the second and the last connected together, because they are in effect the very same: whether the troops of Hanover are as good, and as much to be depended on, as the troops of any other potentate whatsoever? As to this question, I shall grant, Sir, that the veteran troops of Hanover may be as good, and are as much to be depended on as the troops of any other potentate whatsoever; but if Hanover is to join *totis viribus* in assisting the queen of Hungary, all its veteran troops must be employed at its own expence; consequently if we take 16,000 into our pay, fresh troops must be raised for that purpose, and, I hope, I may say, without any derogation, that 16,000 Hanoverians newly raised, are not so good as 16,000 of the veteran troops of any other potentate in Europe; for in the last war, even the veteran troops of Hanover were far from being reckoned the best of any we had in our service.

The next of his lordship's previous questions was, Whether the troops of Hanover are not as well situated as any other: and this, if we are to give any real assistance to the queen of Hungary, I absolutely deny; for either Prussian, or Saxon, or Swiss troops, are better situated for marching to the assistance of the queen of Hungary, than those of Hanover. The Prussians and Saxons are upon the confines of Bohemia, and might have joined the queen of Hungary's army in two or three days; and as to the Swiss, I was surprised to hear his lordship talk of marching them down the Rhine to the assistance of the queen of Hungary, when every one knows, that they lie upon the borders of her province of Trent, and might easily march to join her army, either in Italy or Germany, without coming near any of the strong places of France; so that to march them down the Rhine, would really be to march them away from, instead of marching them to her assistance. But our army in Flanders was, it seems, to be the loadstone which was to draw whatever troops we hired to that corner, where neither could be of



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any use to the queen of Hungary, without a previous concert with the Dutch to attack France upon that quarter. And as the Dutch were so far from being in a concert with us for this purpose, that they positively declared against it, and even threatened to declare war against us if we began the attack there, I cannot yet comprehend, what was our real motive for sending our troops to Flanders; for if we were resolved to assist the queen of Hungary, surely the best and most ready way would have been to have sent them to Hanover, in order to join with the troops of that electorate, and drive M. Maillebois out of Germany, or at least prevent his marching to the relief of Prague. In this case indeed, the Hanover troops would have been the best situated of any in Europe for our purpose; but then they ought to have marched at the expence of the electorate, and not at the expence of this nation; for the electorate of Hanover is as much obliged, both in honour and interest, to assist the queen of Hungary, *totis viribus*, as this nation can be supposed to be.

Upon this subject his lordship endeavoured to shew, either that we could get no other troops to hire, beside the Hanoverian, or that no other troops were so proper for us. The Dutch we ought not to take into our pay, he says, because we cannot suppose the Dutch will pay their own troops in aid of the common cause, when they find this nation ready to do it for them. Sir, does not every one see, that this objection lies equally strong against our taking Hanoverians into our pay; and I will say in general, that for half a century past we have given ourselves too much concern about preserving the balance of power, and have shewn ourselves too ready to take troops into our pay for that purpose; for the powers upon the continent would be more careful of themselves, and more ready to pay their own troops in aid of the common cause, if they did not expect us to be such generous fools as to do it for them. By this means we have already almost ruined ourselves, and now we must, it seems, complete that ruin, by undertaking alone the support of what some gentlemen are pleased to call the balance of power, though it is evident, that it is not so, and still more evident that, if it were, it would not be in our power to support it by ourselves alone.

As for the Danes, Prussians, and Saxons, his lordship thinks, we can have none of them, even for our money, because they are either jealous of one another, or warped towards the interest of France. I do not know, Sir, but it may be so; and if it is, I am sure, we ought not to take any foreign troops into our pay, because if no power in Europe will assist us, we cannot propose to re-establish the balance of power upon its former foundation. But if the case be as his lordship represents, we have ourselves only to blame for it; for if we had persuaded the court of Vienna to have accepted of the terms at first offered by the king of Prussia, and had thereby got him to join with us in supporting the queen of Hungary, and in getting her consort, the grand duke, raised to the imperial throne, I am persuaded, neither the Bavarians nor French would have attacked her, nor would the Swedes have attacked the Muscovites; but we encouraged the queen of Hungary in her obstinacy towards Prussia, and by the treatment the latter met with, at the court of Vienna, and especially in this House, we at last, sore against his will, drove him into the arms of France, which encouraged the French to send their troops into Germany; and then, in order to prevent any Muscovite troops being sent to the assistance of the queen of Hungary, they prevailed with Sweden to declare war against Muscovy, the fate of which has given them a handle to get the king of Denmark warped over to their interest. Thus it may justly be said, that all the present confusions in Europe are owing to the treatment the king of Prussia met with upon his invading Silesia; and as he may still have a great hand in bringing those confusions to a happy or very unhappy issue for this nation, I was glad to hear the noble lord maintain a proper respect in discoursing of so great a character: I wish the same respect had been maintained, when the conduct of that prince came first under consideration of this House; for I know of no variety in his conduct, except what he has been provoked to by the conduct of those he has had to deal with; and his invasion of Silesia we had no right to find fault with, nor any authority to condemn.

I come now to his lordship's first previous question, which was, Whether these Hanoverian troops are as cheap to us as any other forces we can hire? This, his lordship says, the estimates now upon our table do sufficiently demonstrate. I wish his lordship had examined the estimate of

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the Hanover troops taken into our pay in the year 1702, before he had determined this question in such a magisterial manner. If he had compared that estimate with the estimate now upon our table, he would have seen it sufficiently demonstrated by figures, that these Hanover troops now taken into our pay will cost us a much larger sum, in proportion to their number, than the Hanover troops did in the year 1702, or than any foreign troops taken into the pay of Great Britain ever did. It would be too tedious to run over all the articles of the present estimate, but I must beg leave to mention the most extraordinary. In 1702 the Hanover troops then stipulated, began to be in our pay only the 1st of June, and before the 21st of that month, when the Convention for them was signed, some of them were arrived at the appointed place of action, as is declared in the Convention itself; and they were to continue no longer in our pay, than till the 1st of January following. From hence we may see, that they were in actual service, as well as actual pay, for the chief part of one whole campaign, and that we were to give them but seven months pay for this whole campaign, which was much more glorious for this nation, and contributed more to the relief of Europe, than the next campaign is likely to do; and and yet by the estimate for the Hanoverians now on our table, we are to give them no less than 16 months pay for the ensuing campaign; for it is evident that during the last campaign they neither were, nor could be of any service to this nation, to Europe, or to the queen of Hungary.

Another article of the present estimate is not only of an excessive but a new kind: in 1702, we paid no levy money for the Hanover troops then taken into our pay; but by the present estimate we are to pay no less a sum than 139,313*l.* sterling for levy money, though the troops were all raised long before we desired to take them into our pay, and though no new troops are to be raised in Hanover, instead of those now taken into our pay. A second article of the same kind is the recruiting money, amounting to near 20,000*l.* which is an article never before heard of in the hiring of any troops, and an article of expence which was never allowed even to our own army, because this service is always provided for out of the savings that necessarily happen every year by mens dying, deserting, or being killed. A third article of the same kind is the pay of the officers and men belonging to the Hanoverian train, amounting to near 13,000*l.* which is not only new, but is an article of expence we might have saved to the nation by sending a sufficient train of our own to Flanders; for surely, a train might have been sent to Flanders, at a less expence from England than from Hanover; and considering the vast sums raised yearly upon this nation for the service of our ordnance, it cannot be supposed, that we had not in our stores sufficient to spare for this service. And the fourth article of a new as well as excessive nature, is the great number of Hanoverian general officers now pinned upon us. In the year 1702, with the 10,000 men then taken into our service, we had but one lieutenant general and one major general; whereas with the 16,000 now taken into our service, we have, and are to pay, one general, two lieutenant generals, and three major generals, besides a most extraordinary number of brigadier generals, aid de camps, majors of brigade, and other sorts of superior officers.

Before I leave this subject, Sir, I must take notice of one other article, which really seems to me a downright imposition upon this nation. In 1702, a certain fixed number of guilders was to be paid at stated times at Rotterdam, for the Hanover forces then taken into our pay, so that the nation could lose nothing by the exchange; but by the present contract, or rather the present estimate, for I do not know how any contract could be made between the king of Great Britain and the elector of Hanover, the levy money, recruiting money, and pay of those troops, is to be in pounds sterling, at ten guilders ten stivers for a pound, when every one knows the present exchange is ten guilders eighteen stivers, so that this nation loses eight stivers upon every pound sterling, which upon 657,888*l.* the whole sum we are to pay for the Hanover troops, amounts to about 26,000*l.* sterling loss to this nation, and gain to the electorate or elector of Hanover.

After these observations upon the present estimate, and the convention in 1702 for the same troops, I hope, no man will say, that these Hanover troops are now as cheap as those were which we took into our pay in 1702; and upon comparing this estimate with all the treaties we ever made for auxiliary troops, it will appear, that these Hanover troops we now take into

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our pay are the dearest of any we ever did, or, I hope, will ever again take into our pay. As these observations, Sir, are all founded upon figures, and upon very easy and obvious calculations, I shall not say, it is an affected ignorance, but I must say it is an inexcusable neglect, that can induce any gentleman to affirm, that these Hanover troops are as cheap as any other forces we can hire. The contrary is so evident, that I could not imagine any of the advocates for this measure would be hardy enough to state the question in such plain terms; and supposing the measure could in every other respect be supported, this alone would be a sufficient argument for my being against it. Our paying such an extravagant price for these Hanover troops will introduce a precedent of a most pernicious nature to this kingdom; because every foreign prince we may hereafter have occasion to treat with for auxiliary troops, will expect the same terms we now allow to the elector of Hanover, and will refuse his troops if we refuse agreeing to his terms. The elector of Hanover may ask what he pleases for his troops, and his British ministers may have complaisance enough to agree to all his demands: they may even do so with an expectation, that such extravagant demands will not be refused by a British parliament; but if they are there agreed to, they can be refused by no other power or authority; and therefore, it would be both a most criminal and a most inexcusable complaisance in us to agree to such extravagant demands.

Having thus, Sir, answered all his lordship's previous questions, and having answered them in a manner, I believe, which he little expected, the reply which from thence naturally flows to his third principal question, is, that suppose we are to assist the queen of Hungary, and suppose we are to assist her with our whole force, the Hanover troops ought not to be made a part of that force, nor ought the electorate of Hanover to desire any such thing of us, because it is equally with us obliged, both in honour and interest, to assist the queen of Hungary, and consequently ought, at its own expence, to assist her with all the troops it has in actual pay. We ought therefore to have looked out for the troops of some other potentate; and if we could find no such troops to hire, it was, and is still an unanswerable argument against our giving her any other assistance than what we stand engaged to by treaty; and this assistance we might have given her in money, which would have been more convenient for us, and better for her, than any proportionable number of troops we could have sent to her assistance.

But as the noble lord was pleased to state us another question upon this head, and thereupon endeavoured to shew that we ought to assist her with troops rather than money, I shall beg leave to consider the arguments he made use of for this purpose. His lordship was pleased to say, upon the authority of an hon. gentleman, that if we gave the queen of Hungary any large sum of money, a great part of it would be squandered among the Austrian ministers and favourites. Whatever regard his lordship may pay to the authority he quoted, I can lay no great stress upon it; because from the consequences of that hon. gentleman's negociations we have no reason to suppose, that his knowledge of foreign affairs is very exact or extensive; and if he knows any thing of public money's being squandered among ministers, I am persuaded, he got his knowledge of these matters at home and not abroad. I shall grant, that such a misapplication of public money is but too frequent at most courts, and we in this country have from experience great reason to be jealous of it; but the present court of Vienna is as little to be suspected of such a misapplication as any court ever was; for the queen of Hungary could not have made such a glorious stand as she has already done, against so many and such powerful enemies, if any of her money had been squandered among ministers and favourites; and for this reason, if we are to raise a million and a half for her support, I should chuse to put it under her own management, in order to enable her to support herself rather than to put it under the management of our own ministers, in order to enable them to support her with troops. This, I say, I should chuse, and I am directed to this choice by the very measure now under our consideration; for if she had been to contract for 16,000 veteran troops, I am sure she might, and would have got them for much less than we are to pay for these 16,000 Hanoverians.

Another objection his lordship made to our assisting the queen of Hungary with any large sum of money was, that it would be a sort of vote of credit, and might be converted by our ministers here to very bad purposes. Sir, we might easily prevent this by our method of granting it;



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for if we ordered it to be paid directly to her minister here, or to such persons as she should appoint, I am persuaded, every shilling of it would be faithfully and speedily remitted to her. Some of the little petty princes of Germany may perhaps submit to give a receipt for 30,000*l.* when they receive but 20,000*l.* but the queen of Hungary has shewn too much spirit to be suspected of any such mean submission. If a million and a half were granted to her by the British parliament, I am convinced she would insist upon every shilling of it being paid: She would scorn to let any British minister go shares with her in the grant, or to give a receipt for more than she actually received.

But, Sir, when the noble lord seems to be so suspicious of our ministers, and of their purloining 500,000*l.* out of a million and a half, in case we should grant such a sum to the queen of Hungary, I wonder he does not see, that what we are now to grant is worse than a vote of credit, because it is an absolute gift to the crown of at least 600,000*l.* For as no new troops are to be raised in Hanover, and as these 16,000 men must have been paid and maintained by his majesty, though we had not taken them into our pay, I am persuaded the difference between the expence of maintaining them at home, and the expence of marching them to, and maintaining them in Flanders, or any part of Germany, will not amount to the odd 57,000*l.* and consequently, whatever we pay for those troops above that expence, ought to be looked on as a free gift to his majesty, which his ministers may apply, if he pleases, towards replenishing the coffers of an exhausted civil list: and I wish no part of it may be applied to any worse purpose: for though his majesty is not to be so much as suspected of consenting to any wrong application of public money, yet experience has shewn that the civil list money, or any public money, which is not to be strictly accounted for to parliament, may by ministers be applied to very vile purposes without the knowledge of their master.

I now come, Sir, to the particular view, which the noble lord says, we have in supporting the queen of Hungary, and which, he says, cannot be answered by our supporting her with money only. This view, his lordship tells us, is to prevent the French from making any further acquisitions in Flanders. How his lordship's imagination came to suggest any such view to him, I cannot tell, but I am convinced, no one of our ministers ever had such a view: they know, that the neutrality of the Dutch depends upon France's attempting no such thing, and therefore, there never was the least occasion for our sending any of our own troops to Flanders, and much less for our sending any auxiliaries there, unless the Dutch had desired it, in order to enable them to break the neutrality they have hitherto so religiously observed: and if they had done this, we should have had no occasion to send any of our auxiliary troops to Flanders; for with the assistance of the Dutch, and by sending 10 or 12,000 more of our own troops thither, which we might easily have spared, we could have formed such an army in Flanders, as would have been sufficient to oppose any of the designs of France in that part of the world, especially if by sending our auxiliaries to the assistance of the queen of Hungary in Germany, we had enabled her to drive the French out of that country, because she might then, and certainly would have come down upon the Rhine, with such an army as would have prevented the French from being able to push any conquests in Flanders. For as France lies much more open upon the side of Germany than upon that of Flanders, their own prudence would have directed, and even necessity would have drove them to have stood upon the defensive in Flanders, in order to have sent their most powerful armies towards the Rhine, because, in Flanders, they may defend themselves by their strong garrisons, but towards Germany they must defend themselves by their numerous armies.

Thus, Sir, in every light this measure can be considered, it must appear to be wrong. As the balance of power, in the present situation of the affairs of Europe, no more depends upon the power of the House of Austria, than upon the power of any other House in Germany, it was wrong in us to think of giving the House of Austria any farther assistance than we were obliged to by treaty, unless the other powers of Europe, equally concerned, had joined with us in restoring that House to the imperial diadem, as well as in procuring it an equivalent from France for the dominions it has been lately dispossessed of. If it had been right to give the queen of Hungary a greater assistance than we were obliged to by treaty, and to take foreign troops into our pay for that purpose,

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it was wrong to take Hanoverians. If it had been right to take Hanoverians, it was wrong to take them at such an extravagant price: and if it had been right to take them at any price, it was wrong to march them into Flanders, because they must march back again to Germany, before they can be of any use to the queen of Hungary.

But really, in my opinion, Sir, and according to the present appearance of things, I cannot believe, that either the Hanoverians or Hessians, or even our own troops, will march into Germany, or give the queen of Hungary any real assistance. Let us consider, Sir, that both the Hanoverians and Hessians are the emperor's subjects, and, consequently, their fighting even as auxiliaries against him may expose their masters to the ban of the empire. Nay, the ban, I believe, would be the certain consequence, if we should happen to be unsuccessful in the war; therefore, though the elector of Hanover and the prince of Hesse may allow their troops to take our money, I do not believe, they will allow their troops to engage against the emperor. This, Sir, is the case of the Hanoverian and Hessian troops, and as to our own troops, I do not think it possible for them to march to the farther end of Germany. How shall we subsist them upon their march thither? How shall we subsist them after they are there? How shall we recruit them? How shall we preserve the remains of our army, in case it should happen to meet with a defeat? These, Sir, are questions very material, and I protest, I do not see how any one of them can be answered. What change may be produced in the present face of affairs by the good conduct of the court of Vienna, and the bad conduct of the court of Versailles, I do not know, nor is it possible for human wisdom to foresee; for the conduct of the one may be so good, and that of the other so bad, as may give courage, and even a probable view of success, to some of the princes of Germany, to act against the emperor they have chosen: and I am sure, the electorate of Hanover in particular has great reason to resent the scurrilous treatment it has lately met with from the French, with regard to the neutrality it was forced into, and especially the insulting manner in which the French ministers openly talked at all the courts of Europe of that neutrality's being solicited, and even begged, of the French court by that electorate.

One cannot therefore determine what may hereafter happen, but in deciding the question now before us, we must consider the present posture of affairs only, and from thence we must conclude, that the Hanoverian troops neither can, nor will act against the emperor. I am sure, no man, who has any regard for the safety of his majesty's electoral dominions, will at present advise him to expose himself to the ban of the empire, by allowing his electoral troops to act offensively against the emperor; and if such a change should hereafter happen in the affairs of Europe, as to render such a step advisable, it will then be time enough for us to take those Hanoverian troops into our pay. We shall thereby save the expence of maintaining them for seven or eight months, when they neither will nor can be of any service either to us or the queen of Hungary; and considering the present distressed condition of this nation, the heavy war we are already engaged in, and the more heavy war we are like to be engaged in, this is a saving which, I am sure, a true British House of Commons will not neglect.

Mr. *Philips:*

Sir; the question now before you is of the utmost importance to this nation: it is no less than whether you shall take 16,000 Hanoverians into British pay, at a time when you are at peace with all the world except Spain, against whom it is impossible these troops can be employed; at a time when you have a large fleet, sufficient not only to defend your coasts, but invade and annoy others; at a time when the nation groans under the load of heavy taxes and a large debt, and at a time when all the powers of Europe are so employed, that it is impossible for any of them to hurt England: to what end then are these troops to be taken into our pay? Is it to assist the queen of Hungary against the emperor? No. By the treaty of Munster, by the laws of the empire, the troops of none of the imperial states can act against the emperor; much less can the troops of Hanover against an emperor that Hanover itself has acknowledged, and joined in the election of. It was said by an hon. gentleman, that these troops can, and will act in conjunction with the British troops, whereever it shall be advised; but I believe, it will never be thought advisable, that they should act against the emperor, because the consequence must be, that Hanover will

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be put to the ban of the empire. A distinction was made by an hon. gentleman between acting against the emperor, and acting against the empire, but it was a distinction without a difference; because, as the emperor was elected and acknowledged by a majority of the electors and the other princes of the empire, and had an actual subsidy granted him of 50 Roman months, the acting against him cannot but be considered as acting against the empire. All states must, in the nature of things, yield to a majority, and a majority (which I have often been sorry to see) concludes this House.

There is no power then, but France, that these troops can be supposed to act against; and shall England, unallied and unsupported, become principals in a war against France? Oh, but it is said, the Dutch may still come in: has not that experiment been tried, and have they not declared, they will not? And why will they not? Sir, there must be a uniformity of opinions and counsels, to engage nations to act together. You lost the confidence of your old allies the Dutch, when you threw yourselves into the arms of France; and what steps have you taken since to regain that confidence? Were they so much as consulted on any one measure that you have taken? Was not the new emperor acknowledged without their advice? Was there not a treaty of neutrality made with France for Hanover without their advice? And now we want the Dutch to act against France, and to guaranty Hanover.

Sir, it is Hanover, and Hanover only, that seems now to be our care: that is to be guarantied by all our treaties; and poor England must maintain the troops of Hanover, all her troops, even the 4,000 men that she herself stipulated to provide for the support of the Pragmatic Sanction; and these troops we are to maintain at treble the expence they cost the elector of Hanover. Is not this contrary to the Act of Settlement? Is not this unhinging the very frame of our constitution?

Sir, I am as much for preserving the balance of power in Europe, and for assisting the queen of Hungary, as any one man in this House; but I am for doing it in a practicable way, which is by giving her money. Last year, when it was agreed to send over the troops to Flanders, (which, by the way, was no otherwise agreed to, than by voting the staff and hospital for that service) every man in this House was made to believe, the Dutch would come in; and it was called a mad and unaccountable scheme, to pretend to act on the continent without them; but what followed? There were seven embarkations, the first in May, the last in September; still the Dutch lay quiet, the Hanoverians did not arrive till October; but did this mighty army prevent the French from marching to the assistance of the emperor? No. Did not Harcourt, did not Maillebois march while we remained, and still remain inactive in Flanders?

The charge of troops there in our pay comes to above 1,354,000*l.* and would not half that sum remitted in money to the queen of Hungary, enable her to fight all her own battles? It was said by an hon. gentleman, the money cannot be sent her time enough; but have we no credit abroad? I am sure, the money can reach her much sooner than the troops can march to her assistance. I cannot help taking notice of the large sum the Hanover troops amount to, no less than 657,888*l.* out of which 14,886*l.* per annum, is charged for recruiting money, though you pay none to the Hessians. But the most extraordinary, and, indeed, surprising article is the levy-money, which comes to near 140,000*l.* and is at the rate of 18*l.* for every horseman, and 6*l.* 15*s.* for every footman that was raised; and this to be paid for forces that were not raised for our service, but had been long on foot. It was said, indeed, you are to pay no subsidy for these troops, which you are obliged to do for all other foreign troops: I wish I could look on these troops as really foreign ones; but I beg leave to take notice, that this levy-money amounts to near four times as much as the subsidy we pay for the Hessians; and I am credibly informed, that these troops, which are charged to us at 392,697*l.* per annum, were maintained by the king, at Hanover, for 100,000*l.* per annum.

Gentlemen blame others for being jealous: Sir, jealousy in a member of parliament is as great a virtue, as over-credulity is a vice; but it is said, we should give reasons for our jealousy: what stronger reason, Sir, can be given for it, than when we see so dangerous an exertion of the prerogative, as the taking of 16,000 Hanoverians into British pay, without the advice or consent of parliament? But it was said by an hon. gentleman, that this is no exertion of the prerogative at all, because the troops are not to be paid till the parliament votes them; but will that hon. gentleman say, that the parliament has had its



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free option in this case? Was not the measure taken without the parliament's advice, and the troops ordered to march? And, I believe in my conscience, that many gentlemen in this House (who in their hearts condemn the measure) will vote for the troops, because they are actually taken into our pay; and because we have begun, they think, we ought to go on.

Sir, I have a right to be jealous, that many of these troops we are to pay for, are not *in esse;* and I am justified in that jealousy by what I know of our own troops, many of which, especially the marines, are very far from being complete, though we pay for the whole; and many regiments have been months, I believe I may say, years, without heads, without colonels to command them, by which great savings have been made, which ought to be accounted for; and if we are so liable to be deceived at home, much more may we be so abroad.

Sir, upon the whole, the taking 16,000 Hanoverians into British pay, without the advice or consent of parliament, is enough to awaken and alarm every honest Briton; and a minister that was bold enough to advise it, may likewise advise the sending for them over hither; but let them be where they will, they must suck the blood and vitals of this kingdom, and as they drain us, they must necessarily tend to enslave us, and to deprive us of that power of resistance, which every Englishman is entitled to, whenever his property shall happen to be invaded. The late minister was too wise a man, and too faithful a subject to advise the king to employ Hanoverians, to render him odious to his British subjects. An hon. gentleman was pleased to say, he would be for no measure that should give dissatisfaction to the king. Sir, I believe, it was impossible for any measure to be invented, that could be more disagreeable to the people of England in general; and if the ministers neglect the true interest of their sovereign, which is to advise him to take such measures as may render him amiable to his people, it is high time for the parliament to interpose; and that, I hope, they will now do, by giving a negative to this question.

The question being put, it was determined in favour of the proposal, for maintaining the Hanoverian troops, by 260 against 193.

DEBATE IN THE COMMONS ON TAKING THE HANOVERIAN TROOPS INTO BRITISH PAY. *From the Gentleman's Magazine.**] December 10. The House having resolved itself into a Committee of Supply,

Sir *William Yonge* rose and said:

Sir; though the general state of the kingdoms of Europe cannot be supposed to be wholly unknown in this assembly, yet since the decision of the question now before us must depend upon the conceptions which every man has formed with regard to the affairs on the continent, it will be necessary to exhibit them to view in a narrow compass, that nothing which may contribute to our information may be overlooked or forgotten.

The late emperor, for some time before his death, finding that there remained little hopes of male issue, and that his family would be consequently in danger of losing part of the honours and dignities which it had so long enjoyed, turned his thoughts to the security of his hereditary dominions, which he entailed upon his eldest daughter, to preserve them from being broken into fragments, and divided among the numerous pretenders to them: and that this settlement might be preserved from violation, employed all the opportunities which any extraordinary conjunctures presented to him of obtaining the concurrence and ratification of the neighbouring states.

As it was always the interest of this nation to support the House of Austria, as a counterbalance to the power of France, it was easy to procure from us a solemn accession to this important settlement; and we therefore promised to support it, whenever it should be attacked. This was in reality only a promise to be watchful for our own advantage, and to hinder that increase of French influence, which must at length be fatal to ourselves.

The like engagements were proposed to many other powers, which proposals were by most of them accepted, and among others by France, upon consideration of a very large increase of her dominions; and it was hoped, that whatever might be determined by the electors with respect to the imperial dignity, the hereditary dominions of the House of Austria would remain in the same family, and that France would be hindered by her own engagements from disturbing the peace of the empire.

* Compiled by Dr. Johnson.

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But no sooner did the death of the emperor give the enemies of the House of Austria hopes of gratifying without danger their resentment and ambition, than almost all the neighbouring princes began to revive their pretensions, and appeared resolved to recover by force, what they alleged to have been only by force withheld from them. Armies were raised on all sides, invasions either attempted or threatened from every quarter, and the whole world looked upon the daughter of the emperor of Germany either with pity or with joy, as unable to make any stand against the general confederacy, and under a necessity of yielding to the most oppressive terms, and purchasing peace from her enemies at their own price.

It cannot be mentioned, without indignation, that this universal combination was formed and conducted by the influence of the French, who, after having agreed to the Pragmatic Sanction, omitted no endeavours to promote the violation of it; and not only incited the neighbouring princes to assert their claim by promises of assistance, but poured numerous armies into the empire, not only to procure by force, and without the least regard to equity, an election in favour of the duke of Bavaria, but to assist him in the invasion of the Austrian dominions, of which the settlement had been ratified by their concurrence, purchased at a price which might justly have been thought too great, even though they had observed their stipulations.

The pleas which they advanced in vindication of their conduct, it is not necessary to relate; since, however artfully they may be formed, the common sense of mankind must perceive them to be false. It is to no purpose, that they declare themselves not to have receded from their promise, because they enter the empire only as auxiliaries, and their troops act under the command of the elector of Bavaria; since he that furnishes troops for the invasion of those territories which he is obliged to protect, may very justly be considered as an invader: as he who assists a thief, partakes the guilt of theft.

All contracts, Sir, whether between states or private persons, are to be understood according to the known intention of the two parties; and I suppose it will not be pretended, by the most hardened advocate for the conduct of the French, that the late emperor would have purchased, at so dear a rate, their accession to the Pragmatic Sanction, if he had supposed, that they still thought themselves at liberty to employ all their treasure and their force in assisting others to violate it.

It is well known, that an unsuccessful war, which the French are likewise suspected of assisting, had, a short time before the death of the emperor, weakened his forces, and exhausted his revenues; and that therefore, when he was surprised by death, he left his family impoverished and defenceless; so that his daughter being without money or armies, and pressed by enemies on every side of her dominions, was immediately reduced to such distress as perhaps she only was able to support, and such difficulties as no other would have entertained the least hope of being able to surmount.

In the first crush of her calamities, when she was driven by the torrent of invasion from fortress to fortress, and from kingdom to kingdom, it is not to be denied, that most of the guarantees of the Pragmatic Sanction stood at gaze, without attempting that relief which she incessantly called upon them to afford her; and which indeed they could deny upon no other pretence, than that they were convinced it would be ineffectual, that her ruin was not to be prevented, and that she must be swallowed up by the deluge of war, which it appeared impossible to resist or to divert.

The queen, however, determined to assert her rights, and to defend her dominions; and therefore assembled her forces, and made such opposition, that some of her enemies, finding the war, to which they were encouraged only by a belief of the certainty of success, likely to become more hazardous than they expected, soon desisted from their claims, and consented to peace upon moderate conditions; and the most formidable of her enemies, being alienated from the French by experience of their treachery, and perhaps intimidated by the bravery of his enemies, was at last willing to become neutral, and to be satisfied with the recovery of his own claims, without assisting the elector of Bavaria.

Thus far has this illustrious princess struggled in the tempest of the continent with very little assistance from her confederates; but it cannot be supposed, that these violent efforts have not exhausted her strength, or that she must not be at length overpowered by the armies which the French, enraged at the disappoint-

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ment of their schemes, are sending against her. She has an incontestible claim to our assistance, promised by the most solemn stipulations, and therefore not to be withheld upon any views of present advantage. The prudence and magnanimity which she has discovered, prove, that she deserves to be supported upon the common principles of generosity, which would not suffer a brave man to look idly upon a heroine struggling with multitudes; and the opposition which she has been able to make alone, shews that assistance will not be vain.

These considerations, though, since parliament has determined to assist her, they are not immediately necessary in a question which relates only to the manner in which that assistance shall be given, are yet not entirely useless; since they may contribute to overbalance any prejudices that may obstruct the schemes which have been formed, and quicken the endeavours of men who might be inclined to reject those counsels to which any specious objections shall be raised, or to lose that time in deliberation, which ought to be employed in action.

As the assistance of this distressed princess has been already voted by parliament, it is now no longer to be enquired, what advantages can be gained to this nation by protecting her, or whether the benefits of victory will be equivalent to the hazards of war? These questions are already determined. It has already appeared necessary to this House, to restore the balance of power by preserving the House of Austria; and the only question, therefore, that remains is, by what means we shall endeavour to preserve it? and whether the means that have already been used, deserve our approbation?

Among the several schemes that were proposed for this end, it appeared most proper to the ministry to form an army in the Low Countries, whence they might be ready to march wherever their presence might be required, and where they might be easily supplied with necessaries. This army was to be raised with expedition; the affairs of the queen of Hungary could admit of no delay; auxiliary troops were therefore to be hired, and it appeared to them more proper to hire the troops of Hanover than of any other nation.

That the affairs of the queen of Hungary would admit of no delay, and that therefore the army in the Low Countries was very speedily to be formed, cannot be doubted by any one that compares her power with that of the nation against which she was contending; a nation incited by a long train of success to aspire to universal monarchy; a nation which has long been assembling armies, and accumulating treasures, in order to give law to the rest of the world; which had for many years stood against the united force of all the bordering powers, and to which the House of Austria is not equal in its full strength, much less when its treasures had been exhausted, and its troops destroyed in an unfortunate war before the death of the emperor; and when almost every part of its dominions was threatened by a particular power, and the troops of each province were employed in the defence of their own towns; so that no great armies could be collected, because no place could be left without defenders.

Such was the state of the Austrian dominions, when the troops of France broke in upon them; and in this state it must readily be acknowledged, that neither courage nor prudence could procure success; that no stratagems could long divert, nor any resistance repel, such superiority of power; and that therefore relief must be speedy to be efficacious.

That to bring the relief which we had promised, with expedition sufficient to procure any advantages to our ally, to preserve her provinces from being laid waste, her towns from being stormed, and her armies from being ruined; to repress the confidence of the French, and recall them from conquests to the defence of their own territories, it was apparently necessary to hire foreign troops; for to have sent over all our own forces, had been to have tempted the French to change their design of invading the Austrian dominions, into that of attacking Great Britain, and attempting to add this kingdom to their other conquests; to have raised new troops with expedition equal to the necessity that demanded them, was either absolutely impossible, or at least very difficult; and when raised, they would have been only new troops, who, whatever might be their courage, would have been without skill in war, and would therefore have been distrusted by those whom they assisted, and despised by those whom they opposed.

Nothing therefore remained, but that auxiliaries should be tried, and the only question then to be decided, was, what nation should be solicited to supply us? Nor was this so difficult to be answered as

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in former times, since there was not the usual liberty of choice; many of the princes who send their troops to fight for other powers, were at that time either influenced by the promises, or bribed by the money, or intimidated by the forces of France; some of them were engaged in schemes for enlarging their own dominions, and therefore were unwilling to supply others with those troops for which they were themselves projecting employment; and perhaps, of some others it might reasonably be doubted, whether they would not betray the cause which they should be retained to support, and whether they would not in secret wish the depression of the queen of Hungary, by means of those invaders whom they promised to resist.

Sir, amidst all these considerations, which there was not time completely to adjust, it was necessary to turn their eyes upon some power to which none of these objections could be made; and therefore they immediately fixed upon the electorate of Hanover, as subject to the same monarch, and of which, therefore, the troops might be properly considered as our national allies, whose interest and inclinations must be the same with our own, and whose fidelity might be warranted by our own sovereign.

It was no small advantage that the contract for these troops could be made without the delay of tedious negociations; that they were ready to march upon the first notice, and that they had been long learned in the exactest discipline.

The concurrence of all these circumstances easily determined our ministers in their choice, and the troops were ordered to join the British in the Low Countries; a step which so much alarmed the French, that they no longer endeavoured to push forward their conquests, nor appeared to entertain any other design than that of defending themselves, and returning in safety to their own country.

Such was the conduct of our ministry, such were their motives, and such has been their success; nor do I doubt but this House will, upon the most rigorous examination, find reason to approve both their integrity and prudence. Of their integrity they could give no greater proof, than their confidence of the agreement of this House to measures which, though conformable in general to our resolutions, were not particularly communicated to us; because, indeed, it could not be done without loss of time, which it was necessary to improve with the utmost diligence, and a discovery of those designs, which ought only to be known by the enemy after they were executed. Of their prudence, their success is a sufficient evidence; and therefore I cannot doubt but gentlemen will give a sanction to their conduct, by providing, according to the estimates before the committee, for the support of troops, which have been found of so great use.

Lord *Powlett:*

Sir; the hon. gentleman has with so much clearness and elegance displayed the state of Europe, explained the necessity of hiring foreign troops, and showed the reasons for which the troops of Hanover were preferred to those of any other nation, that I believe it not to be of any use to urge other arguments than those which he has produced.

As therefore it is indisputably necessary to hire troops, and none can be hired which can be so safely trusted as those of Hanover, I cannot but agree with the hon. gentleman, that this measure of his majesty ought to be supported.

Sir John St. Aubyn followed lord Powlett. For the Speech of the hon. baronet see p. 949.

Mr. *Bladen:*

Sir; if zeal were any security against error, I should not willingly oppose the hon. gentleman who has now declared his sentiments; and declared them with such ardour, as can hardly be produced but by sincerity; and of whom therefore it cannot be doubted, that he has delivered his real opinion; that he fears, from the measures which he censures, very great calamities; that he thinks the public tranquillity in danger; and believes that his duty to his country obliged him to speak on this occasion with unusual vehemence.

But I am too well acquainted with his candour to imagine, that he expects his assertions to be any farther regarded than they convince: or that he desires to debar others from the same freedom of reason which he has himself used. I shall therefore proceed to examine his opinion, and to show the reasons by which I am induced to differ from him.

The arguments upon which he has chiefly insisted, are the danger of hiring the troops of Hanover in any circum-

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stances, and the impropriety of hiring them now without the previous approbation of parliament.

The danger of taking into our pay the forces of Hanover, the contrariety of this conduct to the act of Settlement, and the infraction of our natural privileges, and the violation of our liberties which is threatened by it, have been asserted in very strong terms, but I think not proved with proportionate force; for we have heard no regular deduction of consequences by which this danger might be shown, nor have been informed, how the engagement of 16,000 Hanoverians to serve us against France for the ensuing year, can be considered as more destructive to our liberties than any other forces.

It is indeed insinuated, that this conduct will furnish a dangerous precedent of preference granted to Hanover above other nations; and that this preference may gradually be advanced, till in time Hanover may by a servile ministry be preferred to Great Britain herself, and that therefore all such partiality ought to be crushed in the beginning, and its authors pursued with indignation and abhorrence.

That to prefer the interest of Hanover to that of Great Britain would be in a very high degree criminal in a British ministry, I believe no man in this House will go about to deny; but if no better proof can be produced, that such preference is intended, than the contract which we are now desired to ratify, it may be with reason hoped, that such atrocious treachery is yet at a great distance; for how does the hire of Hanoverian troops show any preference of Hanover to Great Britain?

The troops of Hanover are not hired by the ministry as braver or more skilful than those of our own country; they are not hired to command or to instruct, but to assist us; nor can I discover, supposing it possible to have raised with equal expedition the same number of forces in our own country, how the ministry can be charged with preferring the Hanoverians by exposing them to danger and fatigue.

But if it be confessed, that such numbers would not possibly be raised, or, at least, not possibly disciplined with the expedition that the queen of Hungary required, it will be found, that the Hanoverians were at most not preferred to our own nation but to other foreigners, and for such preference reasons have been already given which I shall esteem conclusive, till I hear them confuted.

The other objection on which the hon. gentleman thought it proper to insist, was the neglect of demanding from parliament a previous approbation of the contract which is now before us; a neglect, in his opinion, so criminal, that the ministry cannot be acquitted of arbitrary government, of squandering the public money by their own caprice, and of assuming to themselves the whole power of government.

But the proof of this enormous usurpation has not yet been produced; for it does not yet appear, that there was time to communicate their designs to parliament, or that they would not have been defeated by communication; and therefore it is yet not evident, but that when they are censured for not having laid their scheme before parliament, they are condemned for omitting what was not possibly to be done, or what could not have been done, without betraying their trust and injuring their country.

It is allowed, that parliament had resolved to assist the queen of Hungary, and therefore nothing remained for the ministers but to execute with their utmost address the resolution that had been formed; if for the prosecution of this design they should be found to have erred in their choice of means, their mistakes, unless some ill designs may justly be suspected, are to be imputed to the frailty of human nature, and rather to be pitied, and relieved as misfortunes than punished as crimes.

But I doubt not, that in the course of our deliberations, we shall find reason for concluding that they have acted not only with fidelity but prudence; that they have chosen the means by which the great end which parliament proposed, the succour of the queen of Hungary, and consequently the re-establishment of the balance of power, will be most easily attained, and that they have taken into the pay of this nation those troops which may be trusted with the greatest security, as they have the same prince and the same interest.

But the hon. gentleman appears inclined to advance a new doctrine, and to insinuate, that when any vote is passed by parliament, the ministers are to suppose some conditions which are to be observed, though they were never mentioned, and without which the voice of parliament is an empty sound. In pursuance of this supposition, he calls upon us to recollect the time and circumstances in which this vote was passed; he reminds us, that the



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concession was made in a sudden exultation of our hearts, in the raptures of triumph, and amidst the shouts of conquest, when every man was forming expectations which have never been gratified, and planning schemes which could never be perfected.

He seems therefore to think, that our ministers insidiously took advantage of our intoxication, and betrayed us in a fit of thoughtless jollity to a promise, which when made, we hardly understood, and which we may therefore now retract. He concludes, that the concession which might then escape us ought not to have been snatched by our ministers, and made the foundation of their conduct, because they knew it was made upon false suppositions, and in prospect of a recompence that never would be granted.

I hope there is no necessity for declaring, that this reasoning cannot safely be admitted, since if the vote of parliament be not a sufficient warrant for any measure, no man can undertake the administration of our affairs, and that government which no man will venture to serve must be quickly at an end.

For my part, I know not how the nation or parliament has been disappointed of any just expectations, nor can I conceive that any such disappointments vacate their votes or annul their resolutions, and therefore I cannot but think the ministry sufficiently justified, if they can show that they have not deviated from them.

Lord *Quarendon:*

Sir; I am so far from thinking that the past conduct or the present proposals of the ministry deserve approbation, that, in my opinion, all the arguments which have been produced in their favour are apparently fallacious, and even the positions on which they are founded, and which are laid down as uncontrovertible, are generally false.

It is first asserted, that we are indispensably obliged to assist the queen of Hungary against France, and to support her in the possession of the hereditary dominions of the Austrian House, and from thence is precipitately inferred the necessity of assembling armies, and hiring mercenaries, of exhausting our treasure, and heaping new burthens upon the public.

That we concurred with other powers in promising to support the Pragmatic Sanction is not to be denied, nor do I intend to insinuate, that the faith of treaties ought not strictly to be kept; but we are not obliged to perform more than we promised, or take upon ourselves the burthen which was to be supported by the united strength of many potentates, and of which we only engaged to bear a certain part. We ought undoubtedly to furnish the troops which we promised, and ought to have sent them, when they were first demanded; but there is no necessity that we should supply the deficiencies of every other power, and that we should determine to stand alone in defence of the Pragmatic Sanction; that we should by romantic generosity impoverish our country, and entail upon remotest posterity poverty and taxes. We ought to be honest at all events, we are at liberty likewise to be generous at our own expence, but I think we have hardly a right to boast of our liberality, when we contract debts for the advantage of the House of Austria, and leave them to be paid by the industry or frugality of succeeding ages.

It is therefore at least dubious, whether we ought to hazard more than we promised in defence of the House of Austria; and consequently the first proposition of those who have undertaken the defence of the ministry requires to be better established, before it becomes the basis of an argument.

But though it be allowed, that we ought to exceed our stipulations, and engage more deeply in this cause than we have promised, I cannot yet discover upon what principles it can be proved, that 16,000 Hanoverians ought to be hired. Why were not our troops sent, which have been so long maintained at home only for oppression and show? Why have they not at last been shown the use of those weapons which they have so long carried, and the advantages of that exercise which they have been taught to perform with so much address? Why have they not at length been shown for what they had so long received their pay, and informed, that the duty of a soldier is not wholly performed by strutting at a review?

If it be urged, that so great a number could not be sent out of the kingdom without exposing it to insults and irruptions, let it be remembered how small a force was found sufficient for the defence of the kingdom in the late war, when the French were masters of a fleet which disputed for many years the empire of the sea; and it will appear, whether it ought

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to be imputed to prudence or to cowardice, that our ministers cannot now think the nation safe without thrice the number, though our fleets cover the ocean, and steer from one coast to another without an enemy.

But to show more fully the insufficiency of the vindication which has been attempted, and prove, that no concession will enable the ministry to defend their schemes, even this assertion shall be admitted. We will allow for the present, that it is necessary to garrison an island with numerous forces against an enemy that has no fleet. I will grant, that invaders may be conveyed through the air, and that the formidable, the detestable Pretender, may by some subterraneous passage enter this kingdom, and start on a sudden into the throne. Yet will not all this liberality avail our ministers, since it may be objected, that new forces might easily have been raised, and our own island have been at once defended, and the queen of Hungary assisted by our native troops.

Since the necessity of expedition is urged, it may reasonably be enquired, what it was that appeared so immediately necessary, or what has been brought to pass by this wonderful expedition? Was it necessary to form an army to do nothing? Could not an expedition in which nothing was performed, in which nothing was attempted, have been delayed for a short time? and might not the queen of Hungary have been preserved equally, whether the troops of her allies slept and fattened in her country or their own?

Nothing surely can be more ridiculous than to expatiate upon the necessity of raising with expedition an useless body of forces, which has only been a burthen to the country in which it has been stationed, and for which pay is now demanded, though they have neither seen a siege nor a battle; though they have made no attempt themselves, nor hindered any that might have been made by the enemy.

To make this plea yet more contemptible, we are informed, that if we had raised an army of our countrymen, they would have been unacquainted with arms and discipline, and therefore they could not have done what has been done by these far-famed Hanoverians. This indeed I cannot understand, having never found, that Englishmen needed any documents or rules to enable them to eat and drink at the expence of others, to bask in the sun, or to loiter in the street, or perform any of the wonders that may be ascribed to our new auxiliaries; and therefore I cannot but think, that all the actions of the four months for which those forces expect to be paid, might have been brought to pass by new raised British troops, who might in the mean time have learned their exercise, and have been made equal to any other soldiers that had never seen a battle.

But if foreign troops were necessary, I am still at a loss to find out why those of Hanover were chosen, since it appears to me, that by hiring out his troops to Great Britain, our monarch only weakens one hand to strengthen the other. It might be expected, that he should have employed these troops against France without hire, since he is not less obliged, either by treaty or policy, to protect the House of Austria as elector of Hanover, than as king of Great Britain.

Since therefore the troops of Hanover were hired, without the consent of parliament, they have hitherto performed nothing; and since it is reasonable to expect, that without being paid by Great Britain they will be employed against the French, I think it expedient to discharge them from our service, and to delay the pay which is required for the last four months, till it shall appear how they have deserved it.

Mr. *Henry Fox:*

Sir; though the observations of the right hon. gentleman must be allowed to be ingenious, and though the eloquence with which he has delivered them, naturally excites attention and regard, yet I am obliged to declare, that I have received rather pleasure than conviction from his oratory; and that while I applaud his imagination and his diction, I cannot but conclude, that they have been employed in bestowing ornaments upon error.

I shall not indeed attempt to confute every assertion which I think false, or detect the fallacy of every argument which appears to me sophistical, but shall leave to others the province of showing the necessity of engaging in the war on the continent, of employing a large force for the preservation of the House of Austria, and of forming that army with the utmost expedition, and of taking auxiliaries into our pay, and confine myself to this single question, whether, supposing auxiliaries

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necessary, it was not prudent to hire the troops of Hanover.

Nothing can be, in my opinion, more apparent, than that if the necessity of hiring troops be allowed, which surely cannot be questioned, the troops of Hanover are to be chosen before any other, and that the ministry consulted in their resolutions the real interest of their country, as well as that of our ally.

The great argument which has in all ages been used against mercenary troops, is the suspicion which may justly be entertained of their fidelity. Mercenaries, it is observed, fight only for pay, without any affection for the master whom they serve, without any zeal for the cause which they espouse, and without any prospect of advantage from success, more than empty praises, or the plunder of the field, and therefore have no motives to incite them against danger, nor any hopes to support them in fatigues; that they can lose nothing by flight, but plunder, nor by treachery, but honour; and that therefore they have nothing to throw into the balance against the love of life, or the temptations of a bribe, and will never be able to stand against men that fight for their native country under the command of generals whom they esteem and love, and whom they cannot desert or disobey, without exposing themselves to perpetual exile, or to capital punishment.

These arguments have always been of great force, and therefore that nation whose defence has been entrusted to foreigners, has always been thought in danger of ruin. Yet there have been conjunctures in which almost every state has been obliged to rely upon mercenaries, and in compliance with immediate necessity, to depend upon the fidelity of those who had no particular interest in supporting them. But with much greater reason may we trust the success of the present war, in some degree, to the troops of Hanover, as they are perhaps the only foreign forces against which the arguments already recited are of no force. They are foreigners, indeed, as they are born in another country, and governed by laws different from ours; but they are the subjects of the same prince, and therefore naturally fight under the same command; they have the same interest with ourselves in the present contest, they have the same hopes and the same fears, they recommend themselves equally to their sovereign by their bravery, and can neither discover cowardice nor treachery, without suffering all the punishment that can be feared by our native troops, since their conduct must be censured by the same prince, of whose approbation they are equally ambitious, and of whose displeasure they are equally afraid.

As to the troops which any neutral prince might furnish, there would be reason to fear, that either for larger pay, or upon any casual dispute that might arise, they might be withdrawn from our service when they were most needed, or transferred to the enemy at a time when his distress might compel him to offer high terms, and when therefore there was a near prospect of an advantageous peace. But of the troops of Hanover no such suspicion can be formed, since they cannot engage against us without rebelling against their prince; for it cannot be imagined, that his majesty will fight on one side as elector of Hanover, and on the other as king of Great Britain; or that he will obstruct the success of his own arms, by furnishing the troops of Hanover to the enemies of this kingdom.

It therefore appears very evident, that we have more to hope and less to fear from the troops of Hanover, than from any other; since they have the same reason with ourselves to desire the success of the queen of Hungary, and to dread the increasing greatness of the French; and that they can be suspected neither of treachery nor desertion. It is not very consistent with that candour with which every man ought to dispute on public affairs, to censure those measures which have been proposed, without proposing others that are more eligible; for it is the duty of every man to promote the business of the public; nor do I know why he that employs his sagacity only to obstruct it, should imagine, that he is of any use in the national council.

I doubt not but I shall hear many objections against the use of these troops, and that upon this question, virulence and ridicule will be equally employed. But for my part, I shall be little affected either with the laughter that may be raised by some, or the indignation that may be expressed by others, but shall vote for the continuance of these measures till better shall be proposed; and shall think, that these troops ought to be retained, unless it can be shown, that any others may be had, who may be less dangerous, or of greater use.

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Mr. *Pitt:*

Sir; if the hon. gentleman determines to abandon his present sentiments as soon as any better measures are proposed, I cannot but believe, that the ministry will very quickly be deprived of one of their ablest defenders; for I think the measures which have hitherto been pursued so weak and pernicious, that scarcely any alteration can be proposed, that will not be for the advantage of the nation.

He has already been informed, that there was no necessity of hiring auxiliary troops, since it does not yet appear, that either justice or policy required us to engage in the quarrels of the continent, that there was any need of forming an army in the Low Countries, or that, in order to form an army, auxiliaries were necessary.

But not to dwell upon disputable questions, I think it may be justly concluded, that the measures of our ministry have been ill concerted, because it is undoubtedly wrong to squander the public money without effect, and to pay armies only to be a show to our friends, and a jest to our enemies.

The troops of Hanover, whom we are now expected to pay, marched into the Low Countries, indeed, and still remain in the same place; they marched to the place most distant from enemies, least in danger of an attack, and most strongly fortified, if any attack had been designed; nor have any claim to be paid, but that they left their own country for a place of greater security.

It is always reasonable to judge of the future by the past; and therefore it is reasonable to conclude, that the services of these troops will not, next year, be of equal importance with that for which they are now to be paid; and I shall not be surprised, though the opponents of the ministry should be challenged, after such another glorious campaign, to propose better men, and should be told, that the money of this nation cannot be more properly employed than in hiring Hanoverians to eat and sleep.

But to prove yet more particularly, that better measures may be taken, and that more useful troops may be retained, and that therefore the hon. gentleman may be expected to quit those to whom he now adheres, I shall show, that in hiring the forces of Hanover, we have obstructed our own designs; that we have, instead of assisting the queen of Hungary, withdrawn part of her allies from her; and that we have burthened the nation with troops, from whom no service can be reasonably expected.

The advocates for the ministry have on this occasion affected to speak of the balance of power, the Pragmatic Sanction, and the preservation of the queen of Hungary, not only as if they were to be the chief care of Great Britain, which, though easily controvertible, might perhaps, in compliance with long prejudices, be admitted, but as if they were to be the care of Great Britain alone; as if the power of France were formidable to no other people, as if no other part of the world would be injured by becoming a province to an universal monarchy, and being subjected to an arbitrary government of a French deputy, by being drained of its inhabitants, only to extend the conquests of its masters, and to make other nations equally miserable, and by being oppressed with exorbitant taxes, levied by military executions, and employed only in supporting the state of its oppressors. They dwell upon the importance of public faith, and the necessity of an exact observation of treaties; as if the Pragmatic Sanction had been signed by no other potentate than the king of Great Britain, or as if the public faith were to be obligatory to us only.

That we should inviolably observe our treaties, and observe them, though every other nation should disregard them; that we should show an example of fidelity to mankind, and stand firm, though we should stand alone in the practice of virtue, I shall readily allow; and therefore I am far from advising that we should recede from our stipulations, whatever we may suffer by performing them, or neglect the support of the Pragmatic Sanction, however we may be at present embarrassed, or however inconvenient it may be to assert it.

But surely for the same reason that we observe our own stipulations, we ought to incite other powers likewise to the observation of theirs; at least not contribute to hinder it. But how is our present conduct agreeable to these principles? The Pragmatic Sanction was confirmed not only by the king of Great Britain, but by the elector likewise of Hanover, who is therefore equally obliged, if treaties constitute obligation, to defend the House of Austria against the attacks of any foreign power, and to send in his proportion of troops to the support of the queen of Hungary.

Whether these troops have been sent,

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those whose provinces oblige them to some knowledge of foreign affairs, can inform the House with more certainty than I; but since we have not heard them mentioned in this debate, and have found by experience that none of the merits of that electorate are passed over in silence, it may, I think, fairly be concluded, that the distresses of the illustrious queen of Hungary have yet received no alleviation from her alliance with Hanover, that her complaints have moved no compassion at that court, nor the justice of her cause obtained any regard.

To what can we impute this negligence of treaties, this disregard of justice, this defect of compassion, but to the pernicious counsels of those men who have advised his majesty to hire to Great Britain those troops which he should have employed in the assistance of the queen of Hungary? for it is not to be imagined, that his majesty has more or less regard to justice as king of Great Britain, than as elector of Hanover; or that he would not have sent his proportion of troops to the Austrian army, had not the temptations of greater profit been industriously laid before him.

But this is not all that may be urged against this conduct; for can we imagine, that the power of France is less, or that her designs are less formidable to Hanover than to Great Britain? nor is it less necessary for the security of Hanover, that the House of Austria shonld be re-established in its former grandeur, and enabled to support the liberties of Europe against the bold attempts for universal monarchy.

If therefore our assistance be an act of honesty, and granted in consequence of treaties, why may it not equally be required of Hanover? And if it be an act of generosity, why should this nation alone be obliged to sacrifice her own interest to that of others? Or why should the elector of Hanover exert his liberality at the expence of Great Britain?

It is now too apparent, that this great, this powerful, this formidable kingdom, is considered only as a province to a despicable electorate; and that in consequence of a scheme formed long ago, and invariably pursued, these troops are hired only to drain this unhappy nation of its money. That they have hitherto been of no use to Great Britain, or to Austria, is evident beyond controversy; and therefore it is plain, that they are retained only for the purposes of Hanover.

How much reason the transactions of almost every year have given for suspecting this ridiculous, ungrateful, and perfidious partiality, it is not necessary to mention. I doubt not but most of those who sit in this House can recollect a great number of instances, from the purchase of part of the Swedish dominions, to the contract which we are now called upon to ratify. I hope few have forgotten the memorable stipulation for the Hessian troops, for the forces of the duke of Wolfenbuttel, which we were scarcely to march beyond the verge of their own country, or the ever memorable treaty, of which the tendency is discovered in the name; the treaty by which we disunited ourselves from Austria, destroyed that building which we may perhaps now endeavour, without success, to raise again, and weakened the only power which it was our interest to strengthen.

To dwell upon all the instances of partiality which have been shown, to remark the yearly visits that have been made to that delightful country, to reckon up all the sums that have been spent to aggrandize and enrich it, would be at once invidious and tiresome; tiresome to those who are afraid to hear the truth, and to those who are unwilling to mention facts dishonourable or injurious to their country; nor shall I dwell any longer on this unpleasing subject than to express my hopes that we shall not any longer suffer ourselves to be deceived and oppressed; that we shall at length perform the duty of the representatives of the people, and by refusing to ratify this contract, show, that however the interest of Hanover has been preferred by the ministers, the parliament pays no regard but to that of Great Britain.

Mr. *Horatio Walpole:*

Sir; though I have long considered the mercenary scribblers of disaffection as the disgrace of the kingdom and the pest of society, yet I was never so fully sensible of their pernicious influence.

I have hitherto imagined, that the weekly journalists and the occasional pamphleteers* were the oracles only of the

* "Among the pamphlets here alluded to, "The Case of the Hanover Forces in the Pay of Great Britain," written by the earl of Chesterfield and Mr. Waller, made the greatest impression on the public mind, and called forth from Mr. Walpole his celebrated answer, "The Interest of Great Britain steadily pursued,"

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lowest of the people; and that all those whom their birth or fortune has exalted above the crowd, and introduced to a more extensive conversation, had considered them as wretches compelled to write by want, and obliged therefore to write what will most engage attention, by flattering the envy or the malignity of mankind; and who therefore propagate falshoods themselves, not because they believe them, and disseminate faction, not because they are of any party, but because they are either obliged to gratify those that employ them, or to amuse the public with novelties, or disturb it with alarms, that their works may not pass unregarded, and their labour be spent in vain.

This is my opinion of the party writers, and this I imagined the opinion of the rest of mankind, who had the same opportunities of information with myself: nor should I readily have believed, that any of their performances could have produced greater effects than those of inflaming the lowest classes of the people, and inciting drunkards to insult their superiors, had I not perceived, that the hon. gentleman who spoke last, owed his opinions of the partiality shown to the dominions of Hanover, to a late treatise which has, on occasion of this contract, been very industriously dispersed among the people.

Of this detestable pamphlet, I know not the author, nor think he deserves that any enquiry should be made after him, except by a proclamation that may set a price upon his head, and offer the same reward for discovering him, as is given for the conviction of wretches less criminal: nor can I think the lenity of the government easily to be distinguished from supineness and negligence, while libels like this are dispersed openly in the streets, and sold in shops without fear and without danger, while sedition is professedly promoted, and treason, or sentiments very nearly bordering upon treason, propagated without disguise.

The scribbler of this wicked treatise has endeavoured to corrupt the principles of his majesty's faithful subjects, not only by vilifying the memory of the late king, whose justice, humanity, and integrity, are generally reverenced, but by insinuating likewise, that our present most gracious sovereign has adopted the same schemes, and endeavours to aggrandize Hanover at the expence of Great Britain; that all the measures that have been taken with regard to the affairs of the continent, have been contrived with no other view than that of advancing the interest, enlarging the bounds, and increasing the riches of the Hanoverian territories; he declares, that Great Britain has been steered by the rudder of Hanover, and that the nation will soon be divided into two more opposite and irreconcilable parties, than ever yet disturbed the public peace, Britons and Hanoverians.

That he himself, whoever he be, longs for those times of division and confusion, may be easily believed, and the number of those who have the same wishes with himself, is, I fear too great; but I believe their hopes will not be encouraged, nor their designs promoted in this House; and that none of those who are entrusted to represent their country, will suffer themselves to be misled by such wicked insinuations.

Mr. *Nugent:*

Sir; I know not for what reason the hon. gentleman has thought it convenient to retard the deliberations of this House, by expatiating upon the falsehood and malignity of a pamphlet, of which the author is unknown, of which no man has attempted the vindication, and which, however diligently dispersed, or however generally credited, appears to have had no great influence upon the nation, nor to have produced any effects that might give just occasion to so tragical an outcry, to censures as vehement and bitter, as if the trumpet of rebellion had been sounded, as if half the people had taken arms against their governors, as if the commonwealth was on the brink of dissolution, and armies were in full march against the metropolis.

This pamphlet, with the rest of the people, I have read; and though I am far from thinking, that the censure of that hon. gentleman can make a defence necessary, since indeed he has contented himself with invective instead of argument, and whatever he may disapprove, has confuted nothing; and though I have no particular reason for exposing myself as the champion for this author, whoever he may be, yet I cannot forbear to affirm, that I read some passages with conviction, and

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which, in the space of three weeks, passed through three editions, and was of considerable service in removing the prejudices excited by the declamation of opposition." Coxe's Memoirs of lord Walpole.

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that, in my opinion, they require a different answer from those which have been yet offered; and that the impressions which have been made upon the people, will not be effaced by clamour and rage, and turbulence and menaces, which can affect only the person of the writer, but must leave his reasons in their full force, and even with regard to his person, will have very little effect; for though some men in power may be offended, it will not be easy to quote any law that has been broken by him.

On this occasion, I cannot but animadvert, I hope with the same pardon from the House, as has been obtained by the hon. gentleman whom I am now following, upon an expression in frequent use among the followers of a court, whenever their measures are censured with spirit and with justice. The papers which they cannot confute, and which they have not yet been able to obtain the power of suppressing, are asserted to border upon treason; and the authors are threatened with punishments, when they have nothing to fear from a reply.

Treason is happily defined by our laws, and therefore every man may know when he is about to commit it, and avoid the danger of punishment, by avoiding the act which will expose him to it; but with regard to the 'borders' of treason, I believe no man will yet pretend to say how far they extend, or how soon, or with how little intention he may tread upon them. Unhappy would be the man who should be punished for bordering upon guilt, of which those fatal borders are to be dilated at pleasure by his judges. The law has hitherto supposed every man, who is not guilty, to be innocent; but now we find that there is a kind of medium in which a man may be in danger without guilt, and that in order to security, a new degree of caution is become necessary; for not only crimes, but the borders of crimes, are to be avoided.

What improvements may be made upon this new system, how far the borders of treason may reach, or what pains and penalties are designed for the borderers, no degree of human sagacity can enable us to foresee. Perhaps the borders of royalty may become sacred, as well as the borders of treason criminal; and as every placeman, pensioner, and minister, may be said to border on the court, a kind of sanctity may be communicated to his character, and he that lampoons or opposes him, may border upon treason.

To dismiss this expression with the contempt which it deserves, yet not without the reflections which it naturally excites, I shall only observe, that all extension of the power of the crown must be dangerous to us; and that whoever endeavours to find out new modes of guilt, is to be looked on, not as a good subject, but a bad citizen.

Having thus shown, that the censure produced against this pamphlet is unintelligible and indeterminate, I shall venture to mention some of the assertions which have heated the gentleman into so much fury. Assertions which I cannot be supposed to favour, since I wish they might be false, and which I only produce in this place to give some, whom their stations make acquainted with public affairs, an opportunity of confuting them.

It is asserted, that the French appear to have treated all our armaments with contempt, and to have pursued all their schemes with the same confidence as if they had no other enemy to fear than the forces of Austria; this is indeed no pleasing observation, nor can it be supposed to give satisfaction to any Briton, to find the reputation of our councils and of our arms so much diminished, to find the nation which lately gave laws to Europe, scarcely admitted to friendship, or thought worthy of opposition in enmity, to hear that those troops, which, in the days of our former monarchs, shook the thrones of the continent, are passed by, without fear, and without regard, by armies marching against their allies, these allies in whose cause they formerly fought in the field. But the truth of the assertion is too plain to all the nations of the world; and those whose interest it may be to conceal from their countrymen what is known to all the continent, may rage, indeed, and threaten, but they cannot deny it; for what enterprise have we hitherto either prevented or retarded? what could we have done on one side, or suffered on the other, if we had been struck out from existence, which has not been suffered, or not done, though our armies have been reviewed on the continent, and, to make yet a better show, lengthened out by a line of 16,000 of the troops of Hanover?

It is asserted in the same treatise, that the troops of Hanover cannot act against the king, and that therefore they are an useless burthen to the state, that they compose an army of which no other effect will be found but that they eat, and eat at the

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expence of Great Britain. This assertion is indeed somewhat more contestable than the former, but is at least credible; since if we may be permitted on this, as on other occasions, to judge of the future from the past, we may conclude, that those who have let pass such opportunities as their enemies have in the height of contempt and security presented to them, will hardly ever repair the effects of their conduct, by their bravery or activity in another campaign; but that they will take the pay of Great Britain, and, while they fatten in plenty, and unaccustomed affluence, look with great tranquillity upon the distresses of Austria, and, in their indolence of gluttony, stand idle spectators of that deluge, by which, if it be suffered to roll on without opposition, their own halcyon territories must at last be swallowed up.

The last assertion which I shall extract from this formidable pamphlet, is more worthy of attention than the former, but perhaps may be suspected to border more nearly upon treason: I shall however venture to quote, and, what is still more dangerous, to defend it.

It is proposed that, instead of squandering in this time of danger the expences of the public upon troops of which it is at best doubtful, whether they will be of any use to the queen of Hungary, whether they can legally engage against the king, and whether they would be of any great use, though they were set free from any other restraints than regard to their own safety; instead of amusing our ally with an empty show of assistance, of mocking her calamities with unefficacious friendship, and of exposing ourselves to the ridicule of our enemies, by idle armaments without hostility, by armies only to be reviewed, and fleets only to be victualled, we should remit the sums required for the payment of the Hanoverians to the queen of Hungary, by whom we know that it will be applied to the great purposes for which parliament granted it, the establishment of the liberties of Europe, and the repression of the House of Bourbon.

This proposal, however contrary to the opinion of the ministers, I take the liberty of recommending to the consideration of the House, as, in my opinon, the most effectual method of preserving the remains of the greatness of the House of Austria. It is well known, that these troops are hired at a rate which they never expected before, that levy-money is paid for forces levied before the commencement of the bargain, that they are paid for acting a long time before they began to march, and that, since they appeared to consider themselves as engaged in the quarrel, their march has been their whole performance, a march not against the enemy, but from him; a march in which there was nothing to fear, nor any thing to encounter; and therefore I think it cannot be denied, that the public treasure might have been better employed.

The same sum remitted to the queen of Hungary, will enable her to hire a much greater number of troops out of her own dominions, troops of whose courage she can have no doubt, and whose fidelity will be strengthened by common interest and natural affection; troops that will fight like men, defending their wives and their children, and who will therefore bear fatigue with patience, and face danger with resolution, who will oppose the French as their natural enemies, and think death more eligible than defeat.

Thus shall we assert the rights of mankind, and support the faith of treaties, oppose the oppressors of the world, and restore our ancient allies to their former greatness, without exhausting our own country; for it is not impossible, that by the proper use of this sum, the queen may obtain such advantages in one campaign, as may incline the French to desert the king, and content themselves with the peaceable possession of their own territories; for it is to be remembered, that they are now fighting only for a remote interest, and that they will not hazard much; a firm resistance will easily incline them to wait for some more favourable opportunity, and there will be then leisure for forming our measures in such a manner, that another opportunity may never be offered them.

But of the present scheme, what effect can be expected but ignominy and shame, disgrace abroad, and beggary at home? To this expence what limits can be set? When is there to be an end of paying troops who are not to march against our enemies? As they will at all times be of equal use, there will be at all times the same reason for employing them, nor can there ever be imagined less need of idle troops, than in a time of war.

I am therefore afraid, that in a short time the Hanoverians may consider Great Britain as a tributary province, upon which they have a right to impose the maintenance of 16,000 men, who are to be employed only for the defence of their



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own country, though supported at the expence of this. I am afraid that we shall be taught to imagine, that the appearance of the Hanoverians is necessary in our own country, perhaps to check the insolence of the sons of freedom, who without fear 'border' upon treason. I am afraid, that his majesty or his successor may be advised by sycophants and slaves to trust the guard of his person to the trusty Hanoverians, and advised to place no confidence in the natives of Great Britain.

For my part, I think it a very wise precept by which we are directed to obviate evils in the beginning; and therefore since, in my opinion, the influence of Hanover must be destructive to the royal family, and detrimental to those kingdoms, I shall endeavour to obviate it by voting against any provision for these useless mercenaries, and declaring that I shall more willingly grant the public money to any troops than those of Hanover.

Lord *Perceval*:*

Sir; I look upon the question now under your consideration, to vary very little in reality from that which was debated here the first day of this session. The principal point in the debate of that day was the same with that which is more regularly the debate of this, whether the Hanoverian forces should be taken into British pay?

Sir, I should then have offered my sentiments upon this question, if so many other gentlemen had not delivered my sense in so much better manner than I thought myself able to do, that it would have appeared a great presumption in me, and would have given the House an unnecessary trouble. The same reason had induced me to have been silent also upon this occasion,—if the temper of the times, the little indulgence shewn by gentlemen to one another, when they happen to differ in political opinions, and the popular circumstance in which I stand, did not in some sort oblige me to protect the vote I then gave, and that which I now intend to give, by the reasons that induce me to give it.

Sir, there are three principal considerations in this question; first, whether we are to assist the House of Austria, and balance of power at all, Ay or No? Then whether we ought to do it with our whole force? And lastly, whether the Hanoverian troops should be made a part of that force?

As to the first consideration, a new doctrine has been taught and inculcated for some months past, that it is of no importance to this nation what may happen on the continent; that this country being an island intrenched within its own natural boundaries, it may stand secure and unconcerned in all the storms of the rest of the world. This doctrine, inconsistent as it is with all sense and reason, contrary as it is to the universal principles of policy by which this nation hath been governed from the conquest to this hour, is yet openly professed and avowed by many without these walls; and though no man has yet ventured to own this opinion publicly and directly in this House, yet some gentlemen even here, in effect, maintain it, when they argue, that in no case this nation ought to assist to support the balance of power without the concurrence of the Dutch. This tends inevitably to produce the same fatal effect; it reduces this country to depend upon Holland, to be a province to Holland; and France would then have no more to do to become mistress of all Europe, than to gain over one single town of the united provinces, or to corrupt a few members of the states: it is therefore a doctrine of the greatest danger. The only solid maxim is, that whoever becomes master of the continent, must in the end obtain the dominion of the sea. To confirm this, I may venture to cite an old example, nor can I be accused of pedantry in doing of it, since it is an instance drawn from the last universal monarchy to which the world submitted. The Romans had no sooner divided, broken, and subdued those powers upon the continent of Europe, who had given a diversion in the great attempt they had long intended, than they attacked the Carthaginians, a maritime power, potent in arms, immensely opulent, possessed of the trade of the whole world, and unrivalled mistress of the sea. Yet these people, who enjoyed no wealth, pursued no commerce, and at the commencement of their quarrel were not masters of a single ship, at length prevailed against this enemy upon their proper element, beat and destroyed their fleets, invaded their dominions, and subdued their empire. From whence, Sir, I must conclude that we cannot wholly rely upon our situation, or depend solely on our naval power; and I

* Afterwards Earl of Egmont, and Author of the famous political pamphlet, "Faction Detected."

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may venture to reason upon this axiom, that this nation must contribute to support the House of Austria, and the balance of power in some degree.

The next question that occurs is, in what degree we ought to do it? And whether we should do it with our whole force? Taking, therefore, our footing here upon this axiom, that we must contribute to it in some degree, and taking farther to our aid the reasoning of those gentlemen who think it a work of such extreme danger and almost desperate, the natural and evident conclusion can be only this, that if we do it, so we must do it, with the utmost vigour, and with our whole force.

We come now to consider, whether the Hanoverian troops should be made part of that force? There are several considerations previous to the decision of this question. First, whether they are as cheap as any other forces we can hire? Then whether they are as good? Next whether they are as properly situated? And whether they are as much to be depended upon? If as to every one of these particulars the answer must be made in the affirmative, I think it will go very far to determine the question now before you.

As to the first, that they are as cheap, nay, upon the whole much cheaper, the estimates now upon your table, notwithstanding any cavil, do sufficiently demonstrate.

That they are as good, what man can doubt, who knows the character of the German nation? What man can doubt, who knows the attention of his majesty to military discipline? Those gentlemen can least pretend to doubt it, who sometimes do not spare reflections upon that attention which they insinuate to be too great.

That these troops are not properly situated, will be hardly asserted at this time, when they are actually now in Flanders, and now acting in conjunction with our troops. Let any man consider the map of Europe, let him observe the seat of the war, and he must evidently see, that whether their service may be required in Flanders, whether upon the Rhine, or in the heart of Germany, in every one of these cases, the Hanoverian forces are as properly circumstanced and situated as any troops in Europe.

It remains in the last place to examine whether any other troops can be better depended upon? And sure nothing can be more obvious than that we may rely with more security on these than any other. They are subjects of the same prince, and of a prince indulgent to all his subjects, and never accused by those who differ in other points from me, of being partial against the interest of his German dominions. Unless, therefore, we arraign the first principle upon which a free government can be supported, and without which every exercise of arbitrary power would be warranted, we must allow that such a people will be faithful to such a prince; will defend him with a strict fidelity, and support his quarrel with the utmost zeal; with a zeal which can never be expected from the mercenary troops of any other foreign power.

This naturally leads us to enquire what other troops we can depend upon; the answer to this enquiry is short and positive; that as affairs now stand abroad, we can depend upon none but these; let us carry this consideration with us in a survey of all Europe. Shall we take into our pay 16,000 of the Dutch? Would this be the means of bringing Holland into alliance with us? Would they act at their own expence, would they exert their own proper force? Would they pay their own troops in aid of the common cause, when they found this nation ready to do it for them? They would act like madmen if they did. Shall we hire Danes? Is there a gentleman in this House, who is not convinced that this power has been warped, for some time past, towards the interest of France? When we hired these troops in the last instance, did they not deceive us? Did they not even refuse to march? Nay farther, are they not in all appearance now upon the point of being employed in a quarrel of their own? A quarrel in which they will have need of all their force. Shall we then hire Saxons? An hon. gentleman seemed to think that there may be some possibility of this, and perhaps there may hereafter, when the king of Prussia's views are known and the part he shall resolve to act; but Saxony is certainly now too much exposed to, and cannot fail to be alarmed at, his growing power, at the great augmentation of his armies, and the secret and vast designs which he seems to meditate. This measure, therefore, is not practicable in the present conjuncture; that electorate cannot hazard its own security in these precarious circumstances, by lending out so great a body of its troops. Would gentlemen advise the hire of Prussian troops



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to serve us in this conjuncture? They who do advise it must forget strangely the part so lately acted by that prince, and the variety of his conduct with regard to his different allies within the space of the two last years. I shall guard myself in my expressions, and maintain a proper respect in discoursing of so great a character; but I must say thus much, that the ministry would act with great imprudence, to put the safety of the British troops, and to risk the fate of this army, upon the event of such a measure. I need not say more; for it is not yet proved to us, that this prince would (I wish there was no reason to believe he would not) lend us this body of his men, though we should be disposed to take them into pay. The Swiss cantons, therefore, now alone remain; and indeed from them we probably might procure a greater number; but I leave it to the judgment of any man of sense and candour, whether any minister of this nation could warrant the employment of 16,000 Swiss in this service? For when we reflect upon the situation of these provinces, and compare it with that of our British troops who are now in Flanders, it is visible that they must pass 400 miles upon the borders of the Rhine, flanked by the strong places of France, during their whole march, exposed to the garrisons and armies upon that frontier, by whom it can never be supposed that they would be suffered to pass unmolested, when France must so well know the intention of their march to be for no other end, but to make a conjunction with other troops in the British pay, in order afterwards to invade, or at least to interrupt the views of that kingdom with their united force.

These reasons, Sir, prove invincibly to me, that if we are to assist the House of Austria by an army, we must of prudence, nay of necessity, in part, compose that army of the Hanoverian troops.

But yet there is another state of this question; an alternative of which some gentlemen seem very fond; whether it would not be better to assist the queen of Hungary with money only?

This opinion at first sight is extremely plausible; if the queen of Hungary has been able to do so much with an aid of 500,000*l.* what might she not be able to do with a million more? Sir, a million more would by no means answer in the same proportion. When a sum is given her which with the best œconomy can suffice barely to put her troops in motion, when the enemy is at her very gates, her all at an immediate stake, there can be no room for a misapplication of it: but a sum so immense as that of a million and a half, would dazzle the eyes of a court so little used to see such sums, and as an hon. gentleman long versed in foreign affairs (Mr. H. Walpole), and well acquainted with these matters, told you in a former debate, would be much of it squandered among the Austrian ministers and favourites. I make no scruple to add to this, that some small part might fall to the share of ministers elsewhere. But there is another danger which gentlemen who contend for this measure do not consider. Can they, who profess a distrust of all ministers, and particularly those who are now employed at home; they who have ever argued against all votes of credit upon this principle, that it affords an opportunity to ministers of defrauding the service, and of putting large sums into the purse of the crown, or into their private pockets? Can they now argue for this measure, which I may be bold to say, would be in effect the most enormous vote of credit that was ever given in the world? Gentlemen insinuate, that the taking the Hanoverian forces into British pay, is a criminal complaisance, calculated only to confirm an infant and a tottering administration. But how much greater means for such a purpose would an alternative like this afford? Suppose a minister unfirm in his new acquired power, to ingratiate himself with his prince, should propose a scheme to replenish the coffers of an exhausted civil list squandered in such vile purposes, that no man could have the hardiness to come to parliament, or dare to hope a supply for it by any regular application to this House? What method could be devised by such a minister himself, to do the job more effectually than this? for who can no doubt that (guard it how you will) the queen of Hungary might be induced, in the condition in which she now stands, to accept a million, and to give a receipt in full for the whole sum? How could you prevent an understanding of this kind between two courts; And how easy, therefore, might it be to sink 500,000*l.* out of so vast a grant? Sir, I will suspect no minister; but I will trust none in this degree; and I wonder other gentlemen do not suspect, if I do not. From hence therefore, I consider this as a proposition both fallacious and unsafe; for though

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it be a fact, that the same sum of money might maintain in Austria double the number of troops; yet, if no more than half that money should be applied (as I have shewn great reason to believe that it would not) to the uses of the war, it is evident, that you would deceive yourselves, and would have but an equal number of raw, irregular, undisciplined, and much worse troops for it.

But, Sir, there is yet a stronger argument against the supply in money only. What are our views in supporting the queen of Hungary? Our views are general and particular; general, to save the House of Austria, and to preserve a balance of power: particular, to prevent the French from making any farther acquisitions on this side of Flanders. The first might possibly be answered in a good degree, by giving that princess an equivalent in money; but the second cannot be securely provided against, without an army on this side of Europe in the British pay. Sir, is it not natural for every one of us to guard our vital parts, rather than our more remote members? Would not the queen of Hungary (stipulate and condition with her as you please) apply the greatest part of these subsidies in defence of her dominions in the heart of Germany? Might it not even induce her to enlarge her views, and to think of conquests, and equivalents for what she has already lost, which it might be vain and ruinous for us to support her in? Would she not leave Flanders to shift for itself, or still to be taken care of by Great Britain and the Dutch? In such a case, if France should find it no longer possible to make any impression on her territories, on the German side, what must we expect to be the consequence? I think it very visible she would on a sudden quit her expensive and destructive projects on that quarter, and there only carry on a defensive war, while she fell with the greater part of her force at once upon the Low Countries, which would by this measure be wholly unprovided; and she might there acquire in one campaign, before any possibility of making head against her, (which the Dutch would hardly attempt, and could certainly not alone be able to effect) all that she has been endeavouring for the last century to obtain, and what no union of powers could be ever capable of regaining from her. All this will be effectually prevented by an army paid by us on this side of Europe; an army, ready to march to the borders of her country, and to intercept her succours and supplies for the German war; an army, ready to protect the petty states, whose interest and inclination it apparently must be to declare for us, and to join their forces with us, when they no longer fear the power of France; an army, which may possibly give courage and spirit to greater powers, who may still doubt, without these vigorous measures (after what they have formerly experienced); whether they could even yet depend upon us; an army, (if the posture of affairs should make it necessary) able to cause a powerful diversion to the French forces, by an attack upon Lorrain and Champagne, and still within distance to return upon its steps in time, to prevent the French from carrying any point of consequence in Flanders, should they then attempt it.

One argument more I beg leave to mention, and it is of great weight. Admit that the sums raised upon the subject might be greater in the one case than the other, the sums remitted out of the kingdom would be infinitely less. Whatever is remitted to the queen of Hungary, is buried in the remotest parts of Germany, and can never return to us; whereas in a war carried on by troops in our own pay on this side, by much the greater part of the expence returns to us again in part by the pay of officers, by the supply of provisions and necessaries in a country exhausted by armies, ammunition, ordnance, horses, clothing, accoutrements, and a multitude of other articles, which I need not enumerate, because experience, which is the soundest reasoner, fully proved it in the example of the last war, at the conclusion of which, notwithstanding the prodigious sums expended in it, this nation felt no sensible effect from a diminution of its current specie.

Sir, I was prepared to have spoken much more largely to this subject, but my discourse has already been drawn to a greater length than I imagined, in treating upon the argument thus far. I shall, therefore, avoid troubling you any farther upon it at this time; I shall only observe, that in my humble opinion, it is sufficiently proved, first, that we must assist the House of Austria, and that we must do it with all our force; next, that we cannot do it with money only, but in part with a land army, and that this land army cannot be conveniently (I may say possibly) composed at this time, without the Hanoverian troops. This question therefore can,

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I think, be no longer debated, but upon the foot of popular prejudices and insinuations of an improper connection of Hanoverian and British interests; but as I could not enter into this subject without concern and indignation, and as it is a very delicate point for me in particular to debate upon, I shall leave this part of the question to other gentlemen, who can engage in it both with less inconvenience, and with more ability, than it is possible for me to do.

Mr. *George Grenville*:

Sir; though I am far from thinking myself able to produce, without study or premeditation, a complete answer to the elaborate and artful harangue which you have now heard, yet as I cannot be convinced of the reasonableness of the measures which have been defended with so much subtility, I shall at least endeavour to show, that my disapprobation is not merely the effect of obstinacy, and that I have at least considered the proposals of the ministry, before I have ventured to condemn them.

Whether we ought to think ourselves indispensably obliged to maintain, at all events, the balance of power on the continent, to maintain it without allies, to maintain it against a combination of almost all Europe, I shall not now enquire; I will now suppose it for once our duty to struggle with impossibility, and not only to support the House of Austria when it is attacked, but to raise it when it is fallen; fallen by our own negligence, and oppressed with the weight of all the surrounding powers; and shall therefore at present only enquire, by what means we may afford that assistance with most benefit to our allies, and least danger to ourselves.

With regard to our ally, that assistance will be apparently most advantageous to her, by which her strength will be most increased, and therefore it may perhaps be more useful to her to find her money than troops, but if we must supply her with troops, I doubt not but it will readily appear, that we may easily find troops which may be of more use and less expence than those of Hanover.

It has been observed, with regard to the convenient situation of those troops, that it cannot now be denied, since they are acting in Flanders in conjunction with the British forces. This is an assertion to which, though it was uttered with an air of victorious confidence, though it was produced as an insuperable argument, by which all those who intended opposition were to be reduced to silence and despair, many objections may be made, which it will require another harangue equally elaborate to remove.

That the troops of Hanover are now acting in conjunction with the British, I know not how any man can affirm, unless he has received intelligence by some airy messengers, or has some sympathetic communication with them not indulged to the rest of mankind. None of the accounts which have been brought hither of the affairs of the continent have yet informed us of any action, or tendency to action; the Hanoverians have indeed been reviewed in conjunction with our forces, but have hitherto not acted; nor have the armies yet cemented the alliance by any common danger, or shown yet that they are friends otherwise than by sleeping and eating together, by eating at the expence of the same nation.

Nor am I at present inclined to grant, that either army is situated where it may be of most use to the queen of Hungary; for they now loiter in a country which no enemy threatens, and in which nothing therefore can be feared; a country very remote from the seat of war, and which will probably be last attacked. If the assistance of the queen of Hungary had been designed, there appears no reason why the Hanoverians should have marched thither, or why this important conjunction should have been formed, since, they might, in much less time, and with less expence, have joined the Austrians, and perhaps have enabled them to defeat the designs of the French, and cut off the retreat of the army which was sent to the relief of Prague. But this march, though it would have been less tedious, would have been more dangerous, and would not have been very consistent with the designs of those who are more desirous of receiving wages than of deserving them; nor is it likely that those who required levy-money for troops already levied, and who demanded, that they should be paid a long time before they began to march, would hurry them to action, or endeavour to put a period to so gainful a trade as that of hiring troops which are not to be exposed.

This conduct, however visibly absurd, I am very far from imputing either to cowardice or ignorance; for there is reason to suspect that they marched into Flanders only because they could not ap-

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pear in any other place as the allies of the queen of Hungary, without exposing their sovereign to the imperial interdict.

It is therefore not only certain, that these troops, these boasted and important troops, have not yet been of any use; but probable that no use is intended for them, and that the sole view of those who have introduced them into our service, is to pay their court by enriching Hanover with the spoils of Great Britain.

That this is in reality their intention, appears from the estimates to which an appeal has been so confidently made, but which, if they are compared with a contract made for the troops of the same nation in the last war, will show how much their price has risen since their sovereign was exalted to this throne; though I cannot find any proof, that their reputation has increased, nor can discover from their actions in Flanders any reason to believe, that their services will be greater.

It is now to little purpose to enquire, whether there are any other troops that could have been more properly employed, since it is certain, that, whatever may be the general character, or the late conduct of other nations, it is the interest of Great Britain to employ rather any troops than these, as any evil is rather to be chosen than animosities between our sovereign and our fellow-subjects; and such animosities must inevitably arise from this detestable preference of the troops of Hanover.

The question was carried by 67; the Ayes being 260; the Noes 193.

A List of the Members who voted for and against the Hanoverian Troops being taken into British Pay.

*For the Hanoverians.*

Abercromby, James
Acourt, Pierce
Archer, Thomas
Arscott, John
Arundel, hon. Richard
Ashe, Edward
Bacon, Edward
Baker, Hercules
Baltimore, lord
Bayntun, Edward
Bathurst, hon. Henry
Beauclerc, lord Harry
Beauclerc, lord Vere
Beake, col. George
Bennet, Philip
Bentinck, lord George
Bertie, lord Vere
Bladen, Martin
Bockland, col. Maurice
Boone, Daniel
Bootle, Thomas
Bowles, William
Bradshaigh, sir Roger
Brand, Thomas
Brassey, Nathaniel
Brereton, Thomas
Bristow, John
Brodie, Alexander
Brown, sir Robert
Bruce Hope, sir John
Brudenell, hon. James
Burrard, Harry
Burrel, Peter
Butler, John
Calthorpe, Henry
Campbell, John
Campbell, hon. Alex. Hume
Cary, Walter
Carnegie, sir James
Carpenter, lord
Carter, William
Cavendish, adm. Phil.
Charlton, Job
Cholmondeley, col. J.
Churchill, major gen.
Churchill, Charles
Clayton, sir William
Clayton, Kendrick
Cleveland, John
Clive, Edward
Coke, Edward
Compton, George
Conway, Henry
Cope, Monoux
Corbet, sir William
Corbet, Thomas
Cornwallis, John
Cotes, Charles
Craigie, Robert
Crowle, George
Danvers, Joseph
Darcy, sir Conyers
Doneraile, lord visc.
Douglas, James
Downing, Jacob
Drury, sir Thomas
Drummond, John
Dundass, George
Duncannon, lord
Dupplin, lord
Earle, Giles
Earle, W. Rawlinson
Elliot, Richard
Elliot, col. William
Ellis, Wellbore
Evans, hon. George
Evans, capt. Richard
Evelyn, John
Eversfield, Charles
Fane, Francis
Fermanagh, lord. visc.
Finch, hon. Edward
Finch, hon. William
Finch, hon. John
Finch, hon. Henry
Fitzroy, Charles
Fonnereau, Thomas
Forrester, Brook
Fortrose, lord
Fox, Henry
Frankland, Frederick
Frederick, Charles
French, Jeffery
Gage, sir William
Galway, lord viscount
Garth, John
Gashry, Francis
Gibson, Thomas
Gilmour, sir Charles
Gildart, Richard
Glenorchy, lord visc.
Godolphin, Francis
Gough, capt. Henry
Grant, Lodovick
Grant, sir James
Gregory, George
Gulston, Joseph
Gybbon, Philips
Hamilton, lord Arch.
Hamilton, Charles
Hampden, John
Hanbury, Capel
Harbord, William
Harris, John
Harrison, George
Hartington, marquis of
Hay, lord Charles
Hay, William
Hayward, Thomas
Heathcote, Samuel
Henley, Henry Holt
Herbert, hon. Nicholas
Herbert, Hen. Arthur
Herbert, hon. Robert
Herbert, col. William
Hervey, hon. Thomas
Hobby, sir Thomas
Holmes, Henry
Hooper, Edward
Howarth, sir Hum.
Hungerford, Walter
Hunter, Thomas Orby
Jeffreys, John
Jenyns, Soame
Inchiquin, earl of
Ingram, col. Charles
Jolliffe, John
Irby, sir William
Keene, Benjamin
Kent, Samuel
Kinaston, William
Knight, Robert
Lamb, Matthew
Laroche, John
Leathes, Carteret
Lee, George, L. L. D.
Legge, hon. Henry
Lewis, Thomas
Liddel, sir Henry
Limerick, lord
Lock, William
Lockyer, Charles
Manners, lord William
Martin, James
Martin, John
Maule, William
Mellish, William
Metcalfe, Lascelles
Middlesex, earl of
Mill, sir Richard
Missing, Thomas
Mitchel, William
Monson, Charles
Montague, Charles
Mordaunt, John

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Morgan, Thomas
Mostyn, John
Murray, lord John
Murray, John
Murray, William
Murray, Alexander
Mussenden, Hill
Neal, Robert
Newnham, Thomas
Nesbit, Albert
Noel, William
Norris, sir John
Norton, Thomas
Onslow, Arthur
Onslow, Denzil
Onslow, Richard
Ord, Robert
Orme, Garton
Osbaldeston, William
Owen, William
Oxenden, sir George
Page, John
Palmerston, lord visc.
Paulett, hon. Vere
Paulett, Charles
Paulett, lord Harry
Paulett, C. Armand
Pelham, hon. Henry
Pelham, James
Pennington, sir Jos.
Penton, Henry
Perceval, lord
Petersham, lord
Philipson, John
Pilsworth, Charles
Pitt, George Morton
Plumer, Richard
Plumtree, John
Pollen, John
Read, sir Thomas
Rider, sir Dudley
Rolle, Henry
Rudge, Edward
Rushout, sir John
Sackville, lord John
Sackville, lord George
Sandys, Samuel
St. Clair, brig. James
Scot, David
Scrope, hon. John
Selwyn, John
Selwyn, John jun.
Shepherd, Samuel
Smelt, William
Speke, George
Stert, Arthur
Steele, William
Stone, Andrew
Strange, sir John
Sundon, lord
Talbot, hon. John
Thomas, sir Edmund
Townshend, Joseph
Townshend, h. Roger
Townshend, hon. T.
Trevor, John Morley
Tuffnell, Samuel
Turner, sir John
Vane, hon. Henry
Vere, Thomas
Wade, general George
Wager, sir Charles
Walker, Thomas
Walpole, Horatio
Walpole, Edward
Walpole, Horatio, jun.
Wardour, William
Watson, Thomas
West, James
White, John
Whitmore, Thomas
Whitmore, William
Wilson, Daniel
Williams, sir Nicholas
Williams, C. Hanbury
Wilmer, William
Wilkinson, Andrew
Winnington, Thomas
Wyndham, sir Charles
Wynn, sir Thomas
Wynn, John
Yonge, sir William
Yorke, hon. Philip
York, John
Young, Hitch

*Absent.*

Archer, Henry
Arscott, Arthur
Ashe, Jos. Wyndham
Bludworth, Thomas
Bodville, William
Bond, John sen.
Boscawen, capt. Edw.
Bridges, George
Broughton, sir Brian
Campbell, brig. John
Chute, Anthony
Colebroke, Robert
Conolly, William
Copleston, Thomas
Corbett, sir Richard
Cornwallis, Stephen
Cotton, sir Robert Salusbury
Cross, sir John
Docminique, Charles
Douglas, col. Robert
Downing, sir George
Duncomb, Anthony
Euston, earl of
Frankland, sir Tho.
Glanville, William
Granby, marquis of
Haddock, Nicholas
Harris, John
Hedworth, John
Howard, col. Charles
Jewkes, John
Lambton, Henry
Maule, John
Middleton, sir William
Mordaunt, col. James
Oglethorp, col. James
Pelham, Thomas jun.
Pierse, Henry
Revel, Thomas
Sloper, William
Stewart, adm. James
Stewart, col. John
Stewart, capt. William
Strickland, William
Thompson, William
Turner, Cholmley
Wallop, hon. John
Wright, John

*Against the Hanoverians.*

Abdy, sir Robert
Aislabie, William
Astley, sir John
Bagot, sir Walter
Bance, John
Banks, William
Bankes, Henry
Barrington, lord
Barrington, sir John
Bathurst, Benjamin
Beauclerc, lord Sidney
Berkeley, Norbonne
Berkeley, George
Best, Thomas
Blagrave, John
Bowes, George
Bouverie, sir Jacob
Bramston, Thomas
Browne, John
Buck, John
Bulkley, lord viscount
Buchanan, Neil
Buller, James
Burgoyne, sir Roger
Butler, Dr. Edward
Bury, Thomas
Calvert, William
Carew, sir William
Carew, Thomas
Cartwright, Thomas
Cave, sir Thomas
Chapman, sir John
Chernocke, sir Boteler
Chester, sir John
Chetwynd, lord visc.
Chetwynd, William
Cholmondeley, Chas.
Cooke, George
Cornewall, Velters
Cotton, sir John Hind
Cotton, John
Courteney, Henry
Courteney, sir William
Crawford, Patrick
Crawley, John
Curzon, sir Nathaniel
Dalrymple, sir Hew
Damer, Joseph
Dashwood, sir James
Dashwood, sir Francis
Dawkins, James
Delme, Peter
Deerhurst, lord
Deering, sir Edward
Digby, hon. Edward
Doddington, George
Douglas, William
Edwin, Charles
Fane, hon. Charles
Fazakerley, Nicholas
Fellows, Coulston
Fenwick, Robert
Fenwick, Nicholas
Firebrace, sir Cordel
Foley, Thomas, sen.
Foley, Thomas, jun.
Forbes, sir Arthur
Fortescue, hon. Theop.
Fox, George
Furnese, Henry
Gibbon, Edward
Glynne, sir John
Gore, Charles
Gore, Thomas
Gower, hon. William Leveson
Gower, hon. Baptist Leveson
Granard, earl of
Graham, lord George
Gray, Charles
Grenville, James
Grenville, George
Grenville, Richard
Grosvenor, sir Robert
Groves, William
Guernsey, lord visc.
Gundry, Nathaniel
Gwyn, Francis
Harley, Robert
Heathcote, George
Herbert, Philip
Harvey, Michael
Hill, Andrew
Hilsborough, lord
Hoblyn, Robert
Holt, sir Lister
Hopton, Edward Cope
Houblon, Jacob
Hylton, John
Isham, sir Edmund
Lambert, Daniel
Lechmere, Edmund
Liddel, Richard
Lister, Thomas
Lyster, Richard
Long, sir Robert
Lowndes, Richard
Lowther, sir James
Lumley, hon. James
Lyttelton, George
M'Leod, Norman

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Mackenzie, Stewart
M'Kye, John
Mackworth, Herbert
Marshall, Henry
Masters, Thomas
Mitchell, John
Montague, hon. Edw.
Mordaunt, sir Charles
Moore, William
Musgrave, sir Philip
Newdigate, sir Roger
Newland, George
Newton, sir Michael
Noel, hon. James
Northcote, sir Henry
Nugent, Robert
Ongley, Samuel
Ord, John
Oswald, James
Owen, John
Packer, Winchcomb Howard
Parker, Armstead
Poulet, William
Periam, John
Philips, John
Pitt, George
Pitt, William
Pitt, John
Pleydell, Edm. Morton
Popham, Edward
Portman, Wm. Henry
Powell, Thomas
Powney, Peniston
Pratt, John
Proby, John
Prowse, Thomas
Pryse, Thomas
Pytts, Edmond
Quarendon, lord visc.
Ramsden, sir John
Rashleigh, Jonathan
Raymond, Jones
Rowney, Thomas
Rush, John
Saville, Samuel
St. Aubin, sir John
Selwin, Charles
Shippen, William
Shirley, Seawallis
Shuttleworth, James
Stingsby, sir Henry
Smith, Edward
Smithson, sir Hugh
Somerset, lord Noel
Southwell, Edward
Spencer, hon. John
Stapylton, sir Miles
Stuart, hon. John
Stewart, Archibald
Strange, lord
Strode, William
Sydenham, Humphry
Tempest, John
Thursby, John Harvey
Tucker, John
Turner, sir Edward
Twisden, sir Roger
Vernon, Geo. Venables
Vyner, Robert
Waller, Harry
Waller, Edmund
Walter, Peter, jun.
Warburton, Phil. Hen.
Watson, hon. Thomas
Webster, Whistler
Wentworth, Godfrey
Whichcote, Thomas
Wigley, James
Wilbraham, Randle
Williams, Richard
Williams, Robert
Winford, Thomas
Wodehouse, Armine
Wright, George
Wynn, sir Watkin Williams
Trelawney, Charles
Tyrwhitt, sir John
Vaughan, William
Vernon, admiral Edw.
Warren, Borlace
Wortley, Edward

*Absent.*

Andover, lord
Ashby, Thomas
Barrymore, Jas. earl of
Barnard, sir John
Blacket, Walter
Bligh, hon. John
Caernarvon, marq. of
Chafin, George
Chester, Thomas
Cocks, James
Cornbury, lord visc.
Crewe, John, jun.
Curzon, William
Davers, sir Jermyn
Denton, George
Douglas, sir John
Drax, Henry
Ereskine, hon. James
Fenwick, John
Foster, Thomas
Gage, lord viscount
Hamilton, sir James
Inwen, Thomas
Levinz, William
Lowther, sir Thomas
Mansell, hon. Bussy
Master, Legh
Methuen, sir Paul
Montrath, earl of
Morrice, sir William
Newsam, James
Peachy, sir John
Pelham, Charles
Philips, sir Erasmus
Pitt, Thomas
Richards, George
Ross, hon. Charles
Seymour, sir Edward
Shuttleworth, Richard
St. John, Paulet
Stanhope, hon. John
Thrale, Ralph

*The King's Speech of Thanks for the Supply.*] December 21. His majesty came to the House of Peers, and gave the royal assent to the Land Tax Bill, and the Malt Bill, and made the following Speech to both Houses:

"My lords and gentlemen;

"I am very glad of the occasion which my coming hither at this time gives me, of expressing to you the great satisfaction I take, in seeing so good a progress already made in the business of this session.

"Gentlemen of the House of Commons;

"The readiness and dispatch, with which you have thus early provided so considerable a part of the Supplies for the ensuing year, deserve my particular thanks: and I make no doubt, but the same zeal for the common cause, will induce you to enable me to concert proper measures, and to enter into, or make good such alliances and engagements with other powers, as may be necessary for the support of the queen of Hungary, and restoring the balance of power.

"My lords and gentlemen;

"I look upon this beginning as a sure pledge of your steadiness, in pursuing the true interest of Great Britain, which is, and ever shall be, my only view."

DEBATE IN THE LORDS ON TAKING THE HANOVERIAN TROOPS INTO BRITISH PAY.*] Feb. 1, 1743. The Order of the day being read, for taking into consideration the several estimates of the expence of the forces in the pay of Great Britain,

Earl *Stanhope* stood up, and spoke as follows:†

My lords; I have always understood, that the peculiar happiness of the

* From the Gentleman's Magazine, for June, 1743: compiled by Dr. Johnson.

† *From the Secker Manuscript.*

February 1. Debate on the Hanover Troops. *Stanhope* moved a few days before without any concert, so far as appears, to take this matter into consideration, which was otherwise not intended. Afterwards he applied to the Chancellor, and lord Sandwich to lord Carteret for deferring it, but that could not be obtained. He spoke a pre-composed speech which he held



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British nation consists in this, that nothing of importance can be undertaken by the government, without the consent of the people as represented by the other House, and that of your lordships, whose large possessions, and the merits either of your ancestors or yourselves, have given you the privilege of voting in your own right in national consultations.

The advantages of this constitution, the security which it confers upon the nation, and the restraint which it lays upon cor-

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in his hand with great tremblings and agitations, and hesitated frequently in the midst of great vehemence: but his matter was not contemptible. He insisted that the House of Austria was incapable of being raised, that other states were indifferent about it, and we unable by reason of our debts; that our army of 38,000 men was where it was not wanted, and 22,000 such as could not act against the emperor. But were the prospect better: 1. Why was not the parliament consulted, unless because their consent was not so likely to be obtained as their acquiescence: 2. The levy money for these troops, though raised long before, was 140,000*l.* intended for some other secret purpose. And this is not an article of course, for in 1702 we took Hanover troops into our pay without it, [but the Dutch had paid it to them the year before, when they were first taken into the service of the allies.] 3. The country these troops came from makes it probable that they will frequently be taken, and affairs abroad embroiled for the sake of lending them: what would Poland think of taking Saxons into pay? Why should not some regard be had to the opinion of the people, who will always judge right of the end though not of the means, as well as to the inclinations of rulers who may aim wrong in both?

Motion for "An Address to advise and beseech the king, that in consideration of our expence in foreign troops, increased by the extraordinary manner of making the Estimate, and not conducive to the end proposed, he will please in compassion to his people so burthened as they are, to exonerate them of those Mercenaries which were taken last year into pay without consent of parliament."

*Sandwich.* This measure brings the crown into danger from France, and shakes the affections of the people at home. No minister will dare to say they have advised the king to attack France without any allies. Our forces then are either to secure us at home or support the House of Austria. As to the first, we have 63,000 national, and 22,000 auxiliary troops; near as many national as in queen Anne's war. Of these, 23,000 remain in Great Britain, besides 11,000 marines, which is three times as many as then. If you dread France, why do you provoke her? If she is exhausted, why do you put yourself to so much expence about her? As to the second, restoring the House of Austria without even the elector of Hanover to assist us, we cannot do it in any degree, and we do nothing unless we do it to a high degree. Why, then, should we draw those dangers upon ourselves, first, from which our situation removes us farthest? When the House of Austria had the imperial dignity and their whole dominions, it was another matter. Besides, you squander the money which the queen of Hungary wants, and give her the troops she doth not want. All we can spare is all we can give. For we must be just before we are generous. Your troops cannot get where she wants them. The Hessians have declared they will not act against the emperor. How are the Hanoverians more at liberty to act upon imperial ground, and acting upon neutral ground is nothing. Charles 5 treated the elector of Saxony and Landgrave of Hesse as disobedient vassals, and his successor Ferdinand carried things farther in the case of the Palatinate. Things were settled by the treaties of Westphalia at Munster and Osnaburg, and the Electors are allowed to make treaties with foreigners, but not against the emperor. In this century the Circles of Suabia and Franconia had agreed on a neutrality with the elector of Bavaria in respect of France; one of them broke it, Bavaria fell on them; the emperor on him; he called in France, and was put to the Ban. The little princes of Germany dare not stir: the great ones will not: let the House of Austria grow again. The states of Holland have done now only in effect what they did in the late war between the emperor and France. He tried to persuade them into his measures but could not; then to force them he drew his troops out of the Barrier towns, on which they made a neutrality for those towns, and they secure them with 20,000 men to garrison them. The queen of Hungary must submit to what France requires, and you must submit to what her necessities require; and so you will be left alone against a nation who had almost ruined you, when you had many allies and perpetual victories. The taking these troops without consent of parliament, is a thing, which whoever advised, is as great an enemy to his king as his country. The war in which we are engaged by the desire of the people is forgot: that without their consent prosecuted with vigour. In the utmost enthusiasm for the queen of Hungary, no one meant we should engage as principals upon the continent, which we have done, and by Hanover troops, as if it were on purpose to provoke. We have taken their Horse Guards into pay, of which a troop costs as much as a regiment of others. Why should not the king trust himself to the fidelity and courage of English Guards? In 1672, the French king treated with the duke of Hanover for 10,000 men. The duke demanded levy money. The king would give but half what he asked, and that only for such part as should be new raised.

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rupt ministers or ambitious princes, are in themselves too obvious to admit of explanation, and too well known in this House, by whose ancestors they were originally obtained, and preserved at the frequent hazard of life and fortune, for me to imagine, that I can make them either more esteemed or better understood.

My intention, my lords, is not to teach others the regard which the constitution of our government, or the happiness of the nation demands from them, but to show

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Surely, then, we should not have been made to pay the whole for troops not intended to assist us. A zealous opposition ought to be made to all destructive, particularly all Hanoverian measures.

*Carteret.* These troops were not taken into pay without consent of parliament, not till the Commons agreed to pay them, and the Lords thanked the king for what he had done. Till then they were the king's troops as elector, and if this had not happened they must have gone back. Instead of forgetting the war with Spain, we have wounded Spain to the heart this last year. I will always traverse the views of France in place or out of place, for France will ruin this nation if it can. On the death of the emperor, the king was the only German prince that acted like one, raised an army which he cannot maintain, and exposed himself to danger not for the sake of Hanover, for which he might have made any bargain, but that he might not disgrace himself as elector or as king. We are principals only against Spain. France trusted to the weakness, not the inclination of Holland. They made three augmentations of their troops before they spoke a word, two of them since the emperor's death, in all 40,000 men, and they have not now 30,000: what a condition, then, were they in at first. Then they said to us, we must see you move before we do; place an army between France and us, and then we may do something. To try the utmost was the reason of sending forces into Flanders, and it was a step of some courage, but necessary. France would not suffer you to give the queen of Hungary money unless you armed. And our army hath hindered France from sending more forces both against the queen and Sardinia. If the condition of the queen was so desperate, would Holland take this time to do what it hath done? The Hessians were not enough, you could hire no other but Hanoverians: would you neglect it merely for that word? This method will become popular. You will be able by it to make such a peace, that there will be no need to fear France for our time. The present question is, Will you submit to France or not? I am authorized by the king to say, that these troops shall march into the empire, which is not acting against the emperor and empire. France assists the emperor only as elector. If he calls France in as emperor, he breaks his Capitulation Oath. If the empire can be made to speak the language of France, the elector of Hanover may be put to the Ban. But the question is, who will find most friends in the empire? Persons cannot declare until they see help at hand. There is no such thing as imperial ground: but we shall follow the enemy wherever he goes. France will not venture to declare war against us: if she doth we are ready. When it is said the Dutch are come in, the states of Holland only are meant. They owned at first they were obliged to supply the queen with 5,000 men. This they bought off the first year. When they saw us in earnest the second year, they paid the value of 10,000 men. Now they admit the treaty in the full sense of the queen, that they are obliged to give her an effectual succour in troops. For the present they give 20,000 men, one-fifth of them horse, and concert with Great Britain. How long this may be in going through the States General, I cannot say. I do not say France can be crushed, but for that reason she should be opposed when she aims to have Germany and Spain. Italy and our opposition will succeed. I will not enter into the detail of the Estimate, &c.

*Bedford.* These troops were not indeed, for they could not be taken into pay without the parliament. But taking them might have been proposed conditionally to the parliament before-hand, but it was feared they would say no, and this was done to preclude them. Our troops were sent merely to graft the Hanoverians upon. The troops which the king as elector raised, did nothing, and hindered nothing, and he hath not protested against the Roman Months given to the emperor. We gave the queen money before we armed, and shall not be able to do it now. If no German prince will venture to let us have troops for money, what a condition are we in; but enough of them will lend their troops for Flanders as well as the elector of Hanover. Unless the king of Prussia will enter into an offensive alliance with us, we can do ourselves no good even with the Dutch; and if these troops march into Germany and the electorate should suffer, what recompences will there be expected? I will be for no reparation in that case. The empire already speaks the language of France, in giving the Roman Months. Prussia will not permit you to restore the queen, and the German princes will not endure a powerful emperor. Great part if not all the troops might have been sent from hence. It hath been said without, if we are wrong we must go on. But nobody will defend such logic here.

*Bathurst.* The question carries in it, that these troops were taken into pay without advice, which is not true. We ventured breaking with France when we broke with Spain. The best judge of military matters in the kingdom (duke of Argyle) approved of sending our troops. All France is crying out for a peace. I wish the queen could have an equivalent for

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how much I regard them myself, by endeavouring to preserve and defend them at a time when I think them invaded and endangered.

Upon the examination of the estimates now before us, I cannot but think it necessary, my lords, that every man who values liberty, should exert that spirit by which it was first established; that every man should rouse from his security, and awaken all his vigilance and all his zeal, lest the bold attempt that has been now

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Silesia: if not, then we must be content. One corrupt or obstinate man can stop the Dutch from moving. If it had been proposed to give the queen a million instead of troops, it will be said, where shall she have them, do men spring up like mushrooms in Germany? And it would have been suspected, that but one half of the money was really given her, and the other half went somewhere else. We had so many troops in England, that the wisest man could scarce tell where to quarter them. Our debts are no reason against endeavouring to save what we have left. When all is at stake we must play for all. France pays more interest now than in 1712: borrows this year 5 millions sterling, and pays 9 per cent. [but then probably the principal will never be paid.]

*Hervey.* When we guaranteed the Pragmatic Sanction in 1731, it was to dispel the present clouds, and preserve the balance of Europe, it being then expected that the duke of Loraine would be chosen king of the Romans. In the last war between the emperor and France, it was not thought proper for us to act without the Dutch. And how they who were against the war with Spain can be for this war, I know not. The complaint of the opposition was, that the Spanish war was not pursued sufficiently: now it is not pursued at all. How have you wounded Spain, is it by letting them possess Savoy? The business now is to to unite the emperor and the queen in the same interests: will an army in Flanders do this? The king of Prussia will pursue this scheme of making them agree. Puffendorf thinks it is not the interest of the empire to have a head too powerful. If we become principals the queen may leave all upon us. Nothing hath been communicated in relation to this matter but the king's Speech, and he says, 'if the queen of Hungary is timely assisted by such of her allies,' &c. Now these allies mean Holland. And it hath been publicly and privately said, that such and such great men would be for the retreat of our troops if the Dutch did not come in. The only sum given was one not exceeding 500,000*l.*, and our ministers by these troops have given what will cost 600,000 more, and be no assistance. Is this the design of the parliament? The firmness and perseverance of the queen of Hungary, if it be an effect of what we have done, is a very bad effect. She herself hath destroyed the Pragmatic Sanction by giving all Silesia, when Prussia claimed originally only part as his right. We have taxed industry until it pays more than it gets. We are now going to propagate drunkenness to raise money. Our credit is part of our calamity. Persons cannot employ or dare not trust their money in trade: so they put it into the stocks. But this florid look is an unhealthy flushing. The customs are fallen near 500,000*l.* from Chistmas 1741, to 1742. The conduct of the king of Prussia is the luckiest thing for us: this late step of Holland if it be any thing, and if we could build upon it, it is the worst. I should be glad even of a bad peace. If the administration would avoid censure, they must change their conduct. The present motion is not censure but advice.

*Cholmondeley.* Little or nothing new that was material.

*Bathe.* I am personally obliged to speak on this subject by the malice of the world, and the arts of the enemies of the government. I did approve this measure, and do approve it. It was not a rash measure of one single man, but the united opinion of all the administration who were present [lord Gower and Cobham stayed away] not only acquiesced in, but approved on a solemn deliberation, in which the name of Hanoverians was considered and thought a trifling consideration. It is a measure which hath made the nation significant to friends and foes. You might have had troops a year or two hence from Switzerland. Saxons you could not have. Flanders was placed in the emperor, in trust for the Dutch and us. It is ours, and the queen hath no right to give it up. She was not able to defend the Barrier, and Holland was afraid. On this 4,000 men were sent over, the parliament sitting and knowing it, and many said they were too few. For some time the chief of the Dutch have thought we were right, and they have now deviated from their forms of government to come into our measures. Scarce any body hath spoken yet to the question. This is an Address to the king to disband *flagrante bello* troops which the other House have given money to pay. What a difficulty will this put the king under! The sense of the parliament is the sense of the people. Breaking these troops would be a greater blow to the queen of Hungary than losing ten battles. If the motion were only a censure on the ministry, I should be less concerned; for though I have a great honour for them, and a little connection with them, I am not one of them. But what would the States of Holland say to this, just upon their accession? Lords say they would be glad of a bad peace, why that is the way to have a bad one or none. I hope a good peace will be aimed at for England, whether for the queen of Hungary or not. In queen Anne's war we sent over 10,000 men before the Dutch came in. I hope lords who were for emollient measures with Spain,

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made should, if it be not vigorously repressed, be an encouragement to the more dangerous encroachments; and lest that fabric of power should be destroyed, which has been erected at such expence and with such labour; at which one generation has toiled after another, and of which the wisdom of the most experienced and penetrating statesmen have been employed to perfect its symmetry, and the industry of the most virtuous patriots to repair its decays.

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have lived to see they were wrong. France had Loraine for coming into the Pragmatic Sanction, though she said she would not have an inch of ground. And then she drew in all the princes concerned to break it, though they had sworn to it. I speak only for the measure of getting an army together to talk to friends or foes. I have nothing to do to justify more. Would you have this House go with an address against what the other have done? A fine condition to get a good peace! When that can be got, nobody is so enterprizing as to continue the war an hour longer.

*Chesterfield.* There could not be a greater contempt of the parliament shewn than in this instance. They were taken into our service though not into our pay, and the king said at the opening of the session, that he had taken them. Specimen Justitiæ Anglorum in the time of Edward 2, makes it a part of the common law that parliaments shall be frequently held and consulted; and says, foreigners had to do with our business, who gave such counsel as suited with the prince's private interest. The elector of Hanover armed, indeed, but perhaps upon the plan sent by count Ostein from London, to get part of the Prussian dominions. The merchants, indeed, say they are sure we have a war with Spain because they lose their ships, else I should not have known it. What is become of the real security, and take and hold? And in Italy not Spain but Sardinia hath received a wound. Martin indeed hath got the king of Naples to agree to a neutrality which was made before, and which hath perhaps done harm, though acceptable to the king of Poland. If the Dutch act offensively, it must be in Germany, and then they must leave their barrier unguarded. Will these troops, which they complained of and were afraid they would bring danger to their doors, make them act offensively? The king spoke last session of the favourable disposition of the Dutch. What they have done since is refusing to guarantee Hanover, protesting against our troops, and resolving to garrison their own barrier. Why not take 16,000 more English? We should still have had more left here than in the former wars. It hath a bad aspect that we have neither an ally in Germany, nor a prince that will take our money. But they will not do it for the same reason for which the Hanoverians will not march into Germany. Or if the king let them run that risk, this doth not prove it is no risk. The king of Sweden will not let the Hessians march thither. The king of Prussia hath said *veto*, and if so, there is an end of that march. He is the arbiter of the empire, and will not he have things remain as they are? Every German prince is glad of a weak emperor, and the present was unanimously elected as such. I wish the late emperor had not been powerful enough to deny some things which he did. Better that any scheme had been defeated than that of these troops taken place. The discontent they occasion, will be a greater loss to this family than any advantage abroad can compensate. It is astonishing that Hanover is not one of the powers engaged to guarrantee the Pragmatic Sanction. It hath not given even its quota. The levy-money given for troops levied 3 years ago for the use of the electorate, and the artillery money and for recruits, comes to what the troops would have cost from L. D. without these articles. This is a method by which future ministers may pay their court to what they may mistake for the favourite passion of the prince. The king knows his interest too well to be moved by such considerations, but ministers may mistake and flatter this way. And indeed there hath been a visible northern direction and potanty in all our measures. Excepting the war with Spain, there hath not been one transaction but must create a suspicion. But this last is the most pernicious measure that ever was advised. If it be the united advice of so many, I am very sorry for it, and had much rather it had been the measure of one only. What ought to be the object of the war, the restoration of the House of Austria, is impossible. You may support it, but do not do it so as to ruin yourselves. The people were uneasy at a disappointment last year. The noise of war was to drown their uneasiness. But the whole nation is more universally against this step than it ever was against any. And a negative on this motion will be the most melancholy thing I ever saw in parliament.

*Newcastle.* The province of Holland hath taken extraordinary measures to over-rule some of their towns. Now had garrisoning been all, they would have been unanimous in it. The Prussian minister at the Hague hath declared to the president of the Week, that the report of his master's designing to hinder the entrance of the English into the empire is false, though indeed the contrary is generally believed. Prussia made peace with the queen of Hungary but 15 days before the parliament rose. Before that, the king would not spare his troops, nor whilst Maillibois surrounded Hanover. Votes of confidence have often been desired, and it hath been said, the king might more properly run the risk of the parliament's approbation. In this he hath done so, and if the parliament had not approved it, no other harm had followed than the loss of the measure, which if it be not

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The first object which the estimates force upon our observation is a numerous body of foreign troops, for the levy and payment of which a very large sum is demanded; and demanded at a time when the nation is to the last degree embarrassed

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a good one is no loss at all. We have not above one half the number of 23,000 men in England: many of the regiments are so empty by what they have suffered. And the marines are all on board the fleet. The king would not agree to a neutrality with the king of Naples, and there is none. It was proper first to give money to the queen of Hungary. Then she desired the reputation of an English army abroad, and applied for our forces by her minister, and they were sent upon that. There was power given to the general of the Hanover troops to march into Germany before they went into Flanders, if he found it proper. The king hath not given his consent to the Roman months. The queen of Hungary must be supported in the possession of the Netherlands.

*Lonsdale.* The lords in the administration have not at all opened in the debate what is designed to be done with these troops. Are they designed to march into Germany? The Dutch will certainly not march with them? It will be an immense expence before they can get into Bavaria. The money which these 38,000 troops cost, would have enabled the queen of Hungary to raise 80,000. Suppose it had been moved to give her a million or a million and a half, this would have been thought extravagant. But now we are content to give her this, and so much English blood too. Or we might have given her money to raise 40,000, and send the remainder of our own. Our troops will be much diminished in one campaign, probably 12,000 men, and they cannot be recruited there. Besides the emperor hath as many Hessians as we, and can ours be trusted? Are our troops, then, to hinder the French from sending recruits to their army? Why if we could stop them, they would lie in their own country at one third of the expence which we should be at in Germany. But the tract to be guarded for that purpose is so large that we cannot stop them. Are we then to attack France with these troops? That I cannot think of. Yet it may be said, if you voted against this question, that you voted in effect for such a war. You will have no ally in attacking France. And if we succeed what are we to get by it? The king will have no difficulty between this House and the House of Commons. For if we do not give him these troops he cannot have them, and the difficulty is at an end. If an edict were sent to the parliament of Paris to be registered, of which they knew no more than we do of the design of these troops, I believe they would remonstrate against doing it.

*Hardwicke, C.* The question is not whether you would advise this measure or support it, but whether you will censure it. It hath often been said, let the crown act, and if it be right the parliament will approve it. But the crown hath never asked advice, whether it should make a treaty. Now this is a treaty in effect between the king and the elector of Hanover. Application could not be made to parliament about this, till the king of Prussia had made peace with the queen of Hungary. And if application had been made then at the end of a session in a thin House, that would have been thought an artifice. It is right for those who are remotest from danger to be first in opposing it; if otherwise, it will certainly reach them. The expression 'if the queen was timely assisted by her allies' means principally ourselves. It could not mean all her allies: for the French are such. And if we had waited till all the rest came in, she would have been undone in the mean time. The king of Prussia's neutrality doth not arise from fear of the ban: he would be much offended to have that imagined. Not acting against the emperor, but against the emperor and empire, subjects to the ban; and since the treaty of Westphalia, there hath been no instance of any person put to the ban but for the latter. It is not proper to declare beforehand the particular use that will be made of our troops: that would make them of no use. The constant influence of Hanover on our affairs hath been set forth in a manner fitted to make the people think, that no Hanoverian should sit on the throne here. I will always be against whatever Hanover measures are against this country. But this measure doth not serve but endanger the electorate, which nothing else could endanger. It is certainly right to bring about an agreement between the queen of Hungary and the emperor. But that must be done with arms in our hands.

N. C. 90. Of whom were all the Bishops, duke of Leeds, &c.

C. 35. Of whom lord Cobham, Romney, Gower, &c.

*Scarborough.* Motion,

"That sending the British Forces into Flanders, and joining the Hanoverians to them, was a prudent, useful, and necessary measure, and hath produced good consequences.

*Oxford,* against the motion.

*Chesterfield.* After the former motion hath been rejected, this will pass. But I am glad however of this debate, and that in the other House, for two reasons: that no minister will ever advise taking Hanover troops again, and that it will now appear exactly how many persons there are in these nations that approve this measure.

C. 78.
N. C. 35.

The duke of Leeds, lord Falmouth, Raymond, &c. and the bishops of Gloucester, Oxford and Bristol, went away before this division.

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and oppressed, when it is engaged in a war with a powerful empire, and almost overwhelmed with the debts that were contracted in former confederacies; when it is engaged in a war, not for the recovery of forgotten claims, or for the gratification of restless ambition, not for the consumption of exuberant wealth, or for the discharge of superfluous inhabitants; but a war in which the most important interests are set to hazard, and by which the freedom of navigation must be either established or lost; a war which must determine the sovereignty of the ocean, the rights of commerce, and the state of our colonies; a war, in which we may indeed be victorious without any increase of our reputation: but in which we cannot be defeated without losing all our influence upon foreign powers, and becoming subject to the insolence of petty princes.

When foreign troops are hired at a time like this, it is natural to expect that they have been procured by contracts uncommonly frugal; because no nation can be supposed to be lavish in time of distress. It is natural, my lords, to expect that they should be employed in expeditions of the utmost importance; because no trifling advantage ought to incite a people overburthened with taxes, to oppress themselves with any new expence; and it may be justly supposed that these troops were hired by the advice of parliament; because no minister can be supposed so hardened in defiance of his country, in contempt of the laws, and in disregard of the public happiness, as to dare to introduce foreigners into the public service, in prosecution of his own private schemes, or to rob the nation which he professes to serve, that he may increase the wealth of another.

But upon consideration of this estimate, my lords, all these expectations, however reasonable in themselves, however consistent with the declarations of the wisest statesmen, and the practice of former times, will be disappointed; for it will be found that the troops of which we are now to ratify the provisions for their payment, are raised at an expence never known on the like occasion before, when the nation was far more able to support it; that they have yet been employed in no expedition, that they have neither fought a battle, nor besieged a town, nor undertaken any design, nor hindered any that has been formed by those against whom they are pretended to have been raised; that they have not yet drawn a sword but at a review, nor heard the report of fire-arms but upon a festival; that they have not yet seen an enemy, and that they are posted where no enemy is likely to approach them.

But this, my lords, is not the circumstance which ought, in my opinion, most strongly to affect us; troops may be raised without being employed, and money expended without effect; but such measures, though they ought to be censured and rectified, may be borne without any extraordinary degree of indignation. While our constitution remains unviolated, temporary losses may be easily repaired, and accidental misconduct speedily retrieved; but when the public rights are infringed, when the ministry assume the power of giving away the properties of the people, it is then necessary to exert an uncommon degree of vigour and resentment; it is as necessary to stop the incroachments of lawless power, as to oppose the torrent of a deluge; which may be perhaps resisted at first, but from which the country that is once overwhelmed by it, cannot be recovered.

To raise this ardour, my lords, to excite this laudable resentment, I believe it will be only necessary to observe, that those troops were raised without the advice or consent of parliament; that this new burthen has been laid upon the nation by the despotic will of the ministers, and that the demands made for their support may be said to be a tax laid upon the people, not by parliament but by the court.

The motives upon which the ministry have acted on this occasion are, so far as they can be discovered, and indeed there appears very little care to conceal them, such as no subject of this crown ever dared to proceed upon before; they are such as the act of Settlement, that act to which our sovereign owes his title to this throne, ought for ever to have excluded from British councils.

I should proceed, my lords, to explain this new method of impoverishing our country, and endeavour to show the principles from which it arises, and the end which it must promote: but some sudden indisposition obliges me to contract my plan, and conclude much sooner than I intended with moving, "That an humble Address be presented to his majesty, to beseech and advise his majesty, that, considering the excessive and grievous expences, incurred by the great number of

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Foreign Troops now in the pay of Great Britain (expences so increased by the extraordinary manner, as we apprehend, of making the Estimates relating thereunto, and which do not appear to us conducive to the end proposed), his majesty will be graciously pleased, in compassion to his people, loaded already with such numerous and heavy taxes, such large and growing debts and greater annual expences than this nation, at any time, ever before sustained, to exonerate his subjects of the charge and burthen of those Mercenaries who were taken into our service last year, without the advice or consent of parliament."

The Earl of *Sandwich*:

My lords; though I have heard the noble lord with so much pleasure, that I could not but wish he had been able to deliver his sentiments more fully upon this important affair; yet I think the motion so reasonable and just, that though he might have set it more beyond the danger of opposition, though he might have produced many arguments in defence of it, which perhaps will not occur to any other noble lords; yet I shall be able to justify it in such a manner, as may secure the approbation of the unprejudiced and disinterested; and therefore I rise up to second it with that confidence, which always arises from a consciousness of honest intentions, and of an impartial enquiry after truth.

The measures, my lords, which have given occasion to this motion, have been for some time the subject of my reflections; I have endeavoured to examine them in their full extent, to recollect the previous occurrences by which the ministry might have been influenced to engage in them, and to discover the certain and the probable consequences which they may either immediately, or more remotely produce; I have laboured to collect from those who are supposed to be most acquainted with the state of Europe, and the scheme of British policy which is at present pursued, the arguments which can be offered in favour of these new engagements; and have compared them with the conduct of former ages upon the like occasions; but the result of all my searches into history, all my conversation with politicians of every party, and all my private meditations, has been only, that I am every hour confirmed by some new evidence in the opinion I had first formed; and now imagine myself to know what I at first believed, that we are entangled in a labyrinth of which no end is to be seen, and in which no certain path has yet been discovered; that we are pursuing schemes which are in no degree necessary to the prosperity of our country, by means which are apparently contrary to law, to policy, and to justice; and that we are involved in a foreign quarrel only to waste that blood, and exhaust that treasure, which might be employed in recovering the rights of commerce, and regaining the dominion of the sea.

To prosecute the war against Spain with that vigour which interest and resentment might be expected to produce, to repress that insolence by which our navigation has been confined, and to punish that rapacity by which our merchants have been plundered, and that cruelty by which our fellow-subjects have been enslaved, tortured, and murdered, had been an attempt in which every honest man would readily have concurred, and to which all those who had sense to discern their own interest, or virtue to promote the public happiness, would cheerfully have contributed, however loaded with taxes, oppressed with a standing army, and plundered by the vultures of a court: nor is the ancient spirit of the British nation so much depressed, but that when Spain had been subdued, when our rights had been publicly acknowledged, our losses repaired, and our colonies secured; when our ships had again sailed in security, and our flag awed the ocean of America, we might then have extended our views to foreign countries, might have assumed once more the guardianship of the liberties of Europe, have given law to the powers of the continent, and superintended the happiness of mankind. But in the present situation of our affairs, when we have made war for years without advantage, while our most important rights are yet subject to the chance of battle, why we should engage in the defence of other princes more than our stipulations require, I am not able to discover; nor can I conceive what motive can incite us, after having suffered so much from a weak enemy, to irritate a stronger.

To the measures which are now pursued, were there no other arguments to be alleged against them, I should think it, my lords, a sufficient objection that they are unnecessary, and that this is not a time for political experiments, or for wanton

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expences. I should think, that the present distresses of the public ought to restrain your lordships from approving any steps by which our burthens may be made more heavy, burthens under which we are already sinking, and which a peace of more than twenty years has not contributed to lighten.

But that they are unnecessary, my lords, is the weakest allegation that can be offered; for they are such as tend not only to obstruct the advancement of more advantageous designs, but to bring upon us the heaviest calamities; they will not only hinder us from increasing our strength, but will sink us to the greatest degree of weakness; they will not only impoverish us for the present, which may be sometimes the effect of useful and beneficial designs, but may depress us below a possibility of recovery, and reduce us to receive laws from some foreign power.

This is, indeed, a dreadful prospect; but what other can arise to us from a war with France, with the most wealthy empire of the universe, of which we were sufficiently shown the strength in the late war, by the resistance which all the surrounding nations found it able to make against their united efforts, and which the debts that they then contracted, and the towns that were then destroyed, will not easily suffer them to forget. Of this empire, my lords, thus powerful, thus formidable, neither the dominions are contracted, nor the trade impaired, nor the inhabitants diminished. The French armies are no less numerous than under their late mighty monarch, their territories are increased by new acquisitions, their trade has long been promoted by the destruction of ours, and their wealth has been by consequence increased. They have not, my lords, like this unhappy nation, been exhausted by temporary expedients and useless armaments; they have not harassed their merchants to aggrandise the court, nor thrown away the opportunities which this interval of quiet has afforded them, in the struggles of faction; they have not been multiplying officers to betray the people, and taxing the people to support their oppressors; but have with equal policy, diligence, and success, recovered the losses which they then sustained, and enabled themselves to make another stand against a general confederacy.

Against this empire, my lords, are we now to be engaged in a war, without trade and without money, loaded with debts, and harrassed with exactions; for what consequences can be expected from sending our troops into the frontier towns, but that the French will charge us with beginning hostilities, and declare war against us, or attack us without a declaration; and that we shall be obliged to stand alone against the whole power of the House of Bourbon, while all our ancient allies stand at a distance spiritless and intimidated, or perhaps secretly incite our enemies against us, in hopes of sharing our plunder, or of rising on our ruin?

I know it has been alleged, and alleged with such a degree of confidence, as it is reasonable to hope nothing could produce but a consciousness of truth, that the Dutch have already consented to assist us; nor is it without regret, that I find myself obliged to declare, that this assertion is nothing more than one of those transient visions with which it has been for a long time the custom of British ministers to delude the people, to pacify their clamours, and lull them in security; one of those artifices from which nothing more is expected than that it shall operate upon the nation, till the circumstances of our affairs furnish out another, which is likewise, in a short time, to be exploded only to make way for new falsehoods in a perpetual succession.

Such, my lords, is the art of government discovered by the wonderful sagacity of modern statesmen; who have found out, that it is easier to palliate than to cure; and that the people may be quieted by political soporifics, while diseases are preying upon them, while their strength decays, and their vitals are consumed.

That these falshoods prevail upon mankind, and that after the discovery of one cheat, another equally gross is patiently borne, cannot but raise the wonder of a man who views the world at a distance, and who has not opportunities of enquiring into the various motives of action or belief. Such a one would be inclined to think us a nation of fools, that must be stilled with rattles, or amused with baubles; and would readily conclude, that our ministers were obliged to practise such fallacies, because they could not prevail upon us by motives adapted to reasonable beings.

But if we reflect, my lords, upon the different principles upon which reports like these are propagated and opposed, it will easily be discovered that their suc-



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cess is not to be imputed either to superior art on one side, or uncommon weakness on the other. It is well known that they are promoted by men hired for that purpose with large salaries, or beneficial employments, and that they can be opposed only from a desire of detecting falshood, and advancing the public happiness; it is apparent that those who invent, those who circulate, and perhaps part of those who counterfeit belief of them, are incited by the prospect of private advantage, and immediate profit; and that those who stop them in their career by contradiction and objections, can propose no other benefit to themselves, than that which they shall receive in common with every other member of the community; and therefore whoever has sufficiently observed mankind, to discover the reason for which self-interest has in almost all ages prevailed over public spirit, will be able to see why reports like these are not always suppressed by seasonable detections.

A minister ought not to flatter himself that he has always deceived those who appear to credit his representations; their silence is not so often the effect of credulity, as of cowardice or indolence. Many are overborne by the pomp of great offices, and others who distinguish more clearly, and judge with greater freedom, are contented to enjoy their own reflections, without reproving those whom they despair to reform.

This report of the engagement of the Dutch in our measures, shall however furnish our ministers with no opportunity of boasting their address, nor shall it pass any longer without contradiction; for I shall without any scruple affirm in the presence of this assembly, that the Dutch have hitherto appeared absolutely neutral; that they have not shown any approbation of our measures, nor any inclination to assist us in them. I know, my lords, how disagreeable this assertion may be to those, whose interest it is that mankind should believe them of no less importance in the eyes of foreign powers than in their own, and should imagine that the remotest nations of the world are influenced by their motions, and directed by their counsels; but however they may resent this declaration, I defy them to confute it, and now call upon them to show that the Dutch have engaged in any measure for the support of the queen of Hungary.

The late augmentation of 20,000 men, which may possibly be mentioned as a proof of their intention, shows nothing but that they pursue their own interest with their usual prudence and attention, and with such as it is to be wished that our ministers would condescend to learn from them; and that they are too wise to suffer the towns from which the Austrians have, by our persuasions, withdrawn their troops, to fall into the hands of the French. They have therefore substituted new garrisons, but seem to have no regard to the interest of the queen of Hungary, nor any other view than that of providing for their own security, waiting the event of the war, and laying hold of any advantage that may accidentally be offered them.

It may be urged farther by those who are desirous to deceive others, or willing to be deceived themselves, that the province of Holland has passed a vote for assisting the queen of Hungary with 20,000 men; but if it be remembered, my lords, that this must be the general act of the united states, and that every province has its own particular views to gratify, and its own interest to reconcile with the general good, it may be very reasonably suspected, that this assistance is yet rather the object of hope than expectation; it may justly be feared, that before so many various dispositions will unite, and such different schemes will be made consistent, the House of Austria may be extinguished, that our forces may be destroyed, and Germany enslaved by the French. Then, my lords, what will remain, but that we shall curse that folly that involved us in distant quarrels, and that temerity which sent us out to oppose a power which we could not withstand; and which incited us to waste that treasure in foreign countries, which we may quickly want for the defence of our own?

It must be indeed confessed, that if an estimate is to be made of our condition, from the conduct of our ministers, the fear of exhausting our treasure must be merely panic, and the precepts of frugality which other states have grown great by observing, are to be absolutely unnecessary. It may reasonably be imagined that we have some secret mine, or hidden repository of gold, which no degree of extravagance can drain, and which may for ever supply the most lavish expences without diminution.

For upon what other supposition, my lords, can any man attempt a defence of the contract by which we have obtained for one campaign the service of the troops

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of Hanover? What but the confidence of funds that can never be deficient, could influence them to conclude a stipulation, by which levy-money is to be paid for troops of which not a single regiment was raised for our service, or on the present occasion; which were established for the security of the electorate of Hanover, and would have been maintained, though we had not engaged in the affairs of the continent.

What were the reasons which induced our ministry to employ the forces of Hanover, it is, perhaps, not necessary to enquire. The only motive that ought to have influenced them, was the prospect of obtaining them upon cheap terms; for, my lords, if the troops of Hanover cannot be obtained, but at the same expence with those of Great Britain, I am not able to discover, why they should be preferred. I have never heard, my lords, any uncommon instances of Hanoverian courage, that should incline us to trust the cause of Europe rather to that nation than to our own; and am inclined to believe, that Great Britain is able to produce men equal in all military virtues to any native of that happy country; a country which, though it was thought worthy to be secured by a neutrality, when all the neighbouring provinces were exposed to the ravages of war, I have never heard celebrated for any peculiar excellencies; and of which I cannot but observe, that it was indebted for its security rather to the precaution of its prince, than the bravery of its inhabitants.

This demand of levy-money shocks every Englishman yet more strongly, on considering by whom it is required; required by that family whom we have raised from a petty dominion, for which homage was paid to a superior power; and which was, perhaps, only suffered to retain the appearance of a separate sovereignty, because it was not worth the labour and expence of an invasion; because it would neither increase riches nor titles, nor gratify either avarice or ambition; by a family whom from want and weakness we have exalted to a throne, from whence, with virtue equal to their power, they may issue their mandates to the remotest parts of the earth, may prescribe the course of war in distant empires, and dictate terms of peace to half the monarchs of the globe.

I should imagine, my lords, that when a king of the House of Hanover surveys his navies, reviews his troops, or examines his revenue, beholds the splendour of his court, or contemplates the extent of his dominions, he cannot but sometimes, however unwillingly, compare his present state with that of his ancestors; and that when he gives audience to the ambassadors of princes, who, perhaps, never heard of Hanover, and directs the payment of sums, by the smallest of which all his ancient inheritance would be dearly purchased; and reflects, as surely he sometimes will, that all these honours and riches, this reverence from foreign powers, and his domestic splendour, are the gratuitous and voluntary gifts of the people of Great Britain, he should find his heart overflowing with unlimited gratitude, and should be ready to sacrifice to the happiness of his benefactors, not only every petty interest, or accidental inclination, but even his repose, his safety, or his life; that he should be ready to ease them of every burthen before they complained, and to aid them with all his power before they requested his assistance; that he should consider his little territories as only a contemptible province to his British empire, a kind of nursery for troops to be employed without harassing his more valuable subjects.

It might be at least hoped, my lords, that the princes of the House of Hanover might have the same regard to this nation, as to kings from whom they never received any benefit, and whom they ought in reality always to have considered as enemies, yet even from such levy-money was not always required; or if required, was not always received.

There was once a time, my lords, before any of this race wore the crown of Great Britain; when the great French monarch, Lewis 14, being under a necessity of hiring auxiliary troops, applied to the duke of Hanover, as a prince whose necessities would naturally incline him to set the lives of his subjects at a cheap rate. The duke, pleased with an opportunity of trafficking with so wealthy a monarch, readily promised a supply of troops; and demanded levy-money to be paid him, that he might be enabled to raise them. But Hanoverian reputation was not then raised so high, as that the French king should trust him with his money. Lewis suspected, and made no scruple of declaring his suspicion, that the demand of levy-money was only a pretence to obtain a sum which would never afterwards be repaid, and for which no troops would be obtained; and therefore with his usual prudence insisted, that the troops should first march, and then be

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paid. Thus for some time the treaty was at a stand: but the king being equally in want of men, as the duke of money, and perceiving, perhaps, that it was really impracticable for so indigent a prince to raise troops without some pecuniary assistance, offered him at length a small sum, which was gladly accepted, though much below the original demand. The troops were engaged in the service of France; and the duke of Hanover thought himself happy in being able to amuse himself at his leisure with the rattle of money.

Such, my lords, were the conditions on which the troops of Hanover were furnished in former times; and surely what could then be produced by the love of money, or the awe of a superior power, might now be expected as the effect of gratitude and kindness.

But not to dwell any longer, my lords, upon particular circumstances of measures, of which the whole scheme is contrary to the apparent interest of this kingdom, I shall not enquire farther, why auxiliaries are employed on this occasion rather than British, rather than those whose bravery is celebrated to the most distant corners of the earth? why, if mercenaries are necessary, those of Hanover are preferred to others: or why, if they are, indeed, preferable, they are now to be hired at a higher rate than at any former time? It appears to me of far more importance to undermine the foundation, than to batter the superstructure of our present system of politics; and of greater use to enquire, why we have engaged in a war on the continent, than why we carry it on with ridiculous profusion.

It appears to me, my lords, that there are many reasons which, with the same circumstances, would have withheld any nation but this from such a dangerous interposition. The Dutch, we see, are content to look on without action, though they are more interested in the event, and less embarrassed on any other side. We are already engaged in a war, of which no man can foresee the conclusion; but which cannot be ended unsuccessfully, without the utmost danger to our most important interests: and which yet has hitherto produced only losses and disgrace, has impoverished our merchants, and intimidated our soldiers. Whether these losses are the effects of weakness or treachery, is a question which I am not ambitious of endeavouring to decide, and of which the decision is, indeed, by no means necessary in the present debate; since if we are too weak to struggle with Spain, unassisted as she is, and embarrassed with different views, I need not say what will be our condition, when the whole House of Bourbon shall be combined against us; when that nation which stood alone for so many years against the united efforts of Europe, shall attack us exhausted with taxes, enervated with corruption, and disunited from all allies. Whether the troops of Hanover will assist us at that time, I cannot determine. Perhaps, in the destruction of the British dominions, it may be thought expedient to secure a more valuable and important country by a timely neutrality; but if we have any auxiliaries from thence, we must then necessarily obtain them upon cheaper terms.

If our inactivity in the European seas, and our ill success in those of America, be, as it is generally suspected, the consequence of perfidious counsels, and private machinations; if our fleets are sent out with orders to make no attempt against our enemies, or our admirals commanded to retreat before them; surely no higher degree of madness can be imagined, than that of provoking new enemies before we have experienced a change of counsels, and found reason to place in our ministers and statesmen that confidence which war absolutely requires.

This is the conduct, my lords, which I should think most rational, even though we were attacked in some of our real rights, and though the quarrel about which we were debating was our own; I should think the nearest danger the greatest, and should advise patience under foreign insults, till we had redressed our domestic grievances; till we had driven treachery from the court, and corruption from the parliament. But much more proper do I think this conduct, when we are invited only to engage in distant war, in a dispute about the dominion of princes in the bowels of the continent; of princes of whom it is not certain, that we shall receive either advantage or security from their greatness, or that we should suffer any loss or injury by their fall.

But, my lords, I know it will be answered, that the queen of Hungary has a right by treaty to our assistance; and that in becoming guarantees of the Pragmatic Sanction, we engaged to support her in the dominions of her ancestors. This, my lords, is an answer of which I do not deny the justness, and of which I will not

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attempt to invalidate the strength. I allow that such a stipulation was made, and that treaties ought to be observed, at whatever hazard, with unviolated faith. It has been indeed objected, that many nations engaged with us in the same treaty, whom interest or cowardice have inclined to neglect it; and that we ought not to become the standing garrison of Europe, or to defend alone those territories, to the preservation of which so many states are obliged to contribute equally with ourselves. But this, my lords, appears to me an argument of which the ill consequences can never be fully discovered; an argument which dissolves all the obligations of contracts, destroys the foundation of moral justice, and lays society open to all the mischiefs of perfidy, by making the validity of oaths and contracts dependent upon chance, and regulating the duties of one man by the conduct of another. I pretend not, my lords, to long experience, and therefore in discussing intricate questions, may be easily mistaken. But as in my opinion, my lords, morality is seldom difficult, but when it is clouded with an intention to deceive others or ourselves, I shall venture to declare with more confidence, that in proportion as one man neglects his duty, another is more strictly obliged to practise his own, that his example may not help forward the general corruption, and that those who are injured by the perfidy of others, may from his sincerity have a prospect of relief.

I believe all politics that are not founded on morality, will be found fallacious and destructive, if not immediately to those who practise them, yet consequentially by their general tendency to disturb society, and weaken those obligations which maintain the order of the world. I shall therefore allow, that what justice requires from a private man, becomes, in parallel circumstances, the duty of a nation; and shall, therefore, never advise the violation of a solemn treaty. The stipulations in which we engaged, when we became guarantees of the Pragmatic Sanction, are doubtless to be observed; and it is, therefore, one of the strongest objections against the measures which we are now pursuing, that we shall be perfidious at a greater expence than fidelity would have required, and shall exhaust the treasure of the nation without assisting the queen of Hungary.

To explain this assertion, my lords, it is necessary to take a view of the constitution of the Germanic body, which consists of a great number of separate governments independent of each other, but subject in some degree to the Emperor as the general head. The subjects of each state are governed by their prince, and owe no allegiance to any other sovereign; but the prince performs homage to the Emperor, and having thereby acknowledged himself his feudatory or dependant, may be punished for rebellion against him. The title of the Emperor, and consequently his claim to this allegiance, and the right of issuing the Ban against those who shall refuse it, is confirmed by many solemn acknowledgments of the Diet, and amongst others by the grant of a pecuniary aid; this the present Emperor has indisputably received, an aid having been already granted him in the Diet, of a subsidy for eighteen months; and therefore none of the troops of Germany can now be employed against him, without subjecting the prince to whom they belong to the censure of the Ban, a kind of civil excommunication.

To what purpose then, my lords, are we to hire, at a rate never paid, or perhaps demanded before, troops which cannot serve us without subjecting their prince to the charge of rebellion? Or how shall we assist the queen of Hungary, by collecting forces which dare not act against the only enemy which she has now to fear? Or in what new difficulties shall we be engaged, should the inestimable dominions of Hanover be subjected to the imperial interdiction?

These, my lords, are questions to which, I hope, we shall hear a more satisfactory answer than I am able to conceive; for, indeed, I do not see what remains, but to confess, that these troops are hired only for a military show, to amuse this nation with a false appearance of zeal for the preservation of Europe, and to increase the treasures of Hanover at the expence of Great Britain.

These are designs, my lords, which no man will avow, and yet these are the only designs which I can yet discover; and therefore I shall oppose all the measures that tend to their execution. If the heat of indignation, or the asperity of resentment, or the wantonness of contempt, have betrayed me into any expressions unworthy of the dignity of this House, I hope they will be forgiven by your lordships; for any other degree of freedom I shall make no apology, having, as a peer, a right to deliver my opinion, and as a Briton, to assert the independence of my

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native country, when I see, or imagine myself to see, that it is ignominiously and illegally subjected to the promotion of the petty interest of the province of Hanover.

Lord *Carteret:*

My lords; as I doubt not but I shall be able to justify the measures which are now pursued, in such a manner as may entitle them to the approbation of your lordships, I proposed to hear all the objections that should be made, before I attempted a vindication, that the debate might be shortened, and that the arguments on both sides might be considered as placed in the full strength of opposition; and that it might be discerned how objections, however specious in themselves, would vanish before the light of reason and truth.

But the noble lord has made it necessary for me to alter my design, by a speech which I will not applaud, because it has, in my opinion, an ill tendency; nor censure, because it wanted neither the splendour of eloquence, nor the arts of reasoning; and had no other defect than that which must always be produced by a bad cause, fallacy in the arguments, and errors in the assertions.

This speech I am obliged to answer, because his lordship has been pleased to call out for any noble lord who will assert, that the Dutch have agreed to concur with us in assisting the queen of Hungary. That all the provinces of that republic have agreed to assist us, is indeed not true; nor do I know, my lords, by whom or upon what authority it was asserted; but the concurrence of the province of Holland, the most important of all, and whose example the rest seldom delay to follow, has been obtained, which is sufficient to encourage us to vigorous resolutions, by which the rest may be animated to a speedy compliance.

The concurrence of this province has been already the consequence of the measures which have been lately pursued; measures from which, though just and successful, the ministry cannot claim much applause; because all choice was denied, and they were obliged either to remain passive spectators of the ruin of Europe, and, by consequence, of Great Britain, or to do what they have done. And surely my lords, that necessity which deprives them of all claim to panegyric, will be likewise a sufficient security from censure. There is, indeed, no reason to fear censure from judges so candid and experienced as your lordships, to whom it may without difficulty be proved, that the balance of Europe has already changed its position, and the House of Bourbon is now not able to preponderate against the other powers.

By entering into an alliance with Sardinia, we have taken from the crown of Spain all the weight of the territories of Italy, of which the Austrian forces are now in possession, without fear or danger of being interrupted; while the passes of the ocean are shut by the fleets of Great Britain, and those of the mountains by the troops of Sardinia.

Those unhappy forces which were transported by the Spanish fleet, are not only lost to their native country, but exposed without provision, without ammunition, without retreat, and without hope: nor can any human prospect discover how they can escape destruction, either by the fatigue of marches, or the want of necessaries, or the superior force of an army well supplied and elated with success.

This, my lords, is an embarrassment from which the Spaniards would gladly be freed at any expence, from which they would bribe us to relieve them, by permitting the demolition of new fortresses, or restoring the army which we lost at Carthagena.

Of this alliance the queen of Hungary already finds the advantages, as it preserves countries in her possession, which, if once lost, it might be impossible to recover; and sets her free from the necessity of dividing her army for the protection of distant territories.

Thus, my lords, the Spaniards are obstructed and distrusted; of their armies, one is condemned to waste away at the feet of impassible mountains, only to hear of the destruction of their countrymen whom they are endeavouring to relieve, and the establishment of peace in these regions of which they had projected the conquest; and the other, yet more unfortunate, has been successfully transported, only to see that fleet which permitted their passage, preclude their supplies, and hinder their retreat.

Nor do we, my lords, after having thus efficaciously opposed one of the princes of the House of Bourbon, fear or shun the resentment of the other; we doubt not to show, that Great Britain is still able to retard the arms of the haughty French, and to drive them back from the invasion of other kingdoms to the defence of their

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own. The time is at hand, my lords, in which it will appear, that however the power of France has been exaggerated, with whatever servility her protection has been courted, and with whatever meanness her insolence has been borne, this nation has not yet lost its influence or its strength, that it is yet able to fill the continent with armies, to afford protection to its allies, and strike terror into those who have hitherto trampled under foot the faith of treaties and rights of sovereigns, and ranged over the dominions of the neighbouring princes, with the security of lawful possessors, and the pride of conquerors.

It has been objected by the noble lord, that this change is not to be expected from an army composed of auxiliary troops from any of the provinces of the German empire, because they cannot act against the general head. I can easily, my lords, solve this difficulty, from my long acquaintance with the constitution of the empire, which I understood before the noble lord, who has entertained you with a discourse upon it, was in being; but I will not engross your time, or retard your determination, by a superfluous disquisition, which may be now safely omitted; since I am allowed by his majesty to assure your lordships, that the Hessian and Hanoverian troops shall be employed in assisting the queen of Hungary, and that they have already received orders to make the preparations necessary for marching into the empire.

After this declaration, my lords, the most formidable objection against the present measures will, I hope, be no more heard in this debate; for it will be by no means proper for any lord to renew it by enquiring, whether his majesty's resolution is not a breach of the imperial constitution, or whether it will not expose his electoral dominions to danger. For it is not our province to judge of the laws of other nations, to examine when they are violated, or to enforce the observation of them; nor is it necessary, since the interests of Great Britain and Hanover are irreconcilably opposite, to endeavour the preservation of dominions which their own sovereign is inclined to hazard.

Thus, my lords, I hope it appears, that the common interest of Great Britain and Europe is steadily pursued; that the Spaniards feel the effects of a war with Great Britain by their distress and embarrassment; that the queen of Hungary discovers, that the ancient allies of her family have not deserted her; and that France, amidst her boasts and her projects, perceives the determined opposers of her grandeur again setting her at defiance.

The Duke of *Bedford:*

My lords; the assurance which the noble lord who spoke last declares himself to have conceived of being able to demonstrate the propriety of the present measures, must surely arise from some intelligence which has been hitherto suppressed, or some knowledge of future events peculiar to himself; for I cannot discover any force in the arguments which he has been pleased to use, that could produce in him such confidence of success, nor any circumstances in the present appearance of Europe, that do not seem to demand a different conduct.

The reasonableness of our measures at this time, as at all others, must be evinced by arguments drawn from an attentive review of the state of our own country, compared with that of the neighbouring nations; for no man will deny, that those methods of proceeding which are at one time useful, may at another be pernicious; and that either a gradual rotation of power, or a casual variation of interest, may very properly produce changes in the counsels of the most steady and vigorous administration.

It is therefore proper, in the examination of this question, to consider what is the state of our own nation, and what is to be hoped or feared from the condition of those kingdoms, which are most enabled by their situation to benefit or to hurt us: and in enquiry, my lords, an enquiry that can give little pleasure to an honest and benevolent mind, it immediately occurs, that we are a nation exhausted by a long war, and impoverished by the diminution of our commerce; and the result, therefore, of this first consideration is, that those measures are most eligible which are most frugal; and that to waste the public treasure in unnecessary expences, or to load the people with new taxes only to display a mockery of war on the continent, or to amuse ourselves, our allies, or our enemies, with the idle ostentation of unnecessary numbers, is to drain from the nation the last remains of its ancient vigour, instead of assisting its recovery from its present languors.

But money, however valuable, however

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necessary, has sometimes been imprudently and unseasonably spared; and an ill-timed parsimony has been known to hasten calamities, by which those have been deprived of all who would not endeavour to preserve it by the loss of part. It is therefore to be considered, whether measures less expensive would not have been more dangerous; and whether we have not, by hiring foreign troops, though at a very high rate, at a rate which would have been demanded from no other nation, purchased an exemption from distresses, insults, and invasions.

The only nations, my lords, whom we have any reason to suspect of a design to invade us, or that have power to put any such design in execution, are well known to be the French and Spaniards; from these, indeed, it may justly be expected, that they will omit no opportunity of gratifying that hatred which difference of religion and contrariety of interest cannot fail to continue from age to age; and therefore we ought never to imagine ourselves safe, while it is in their power to endanger us. But of these two nations, my lords, the one is already disarmed by the navies of Great Britain, which confine her fleets to their harbours, and, as we have been just now informed, preclude her armies from supplies: the other is without a fleet able to transport an army, her troops are dispersed in different countries, and her treasures exhausted by expeditions or negociations equally expensive.

There is therefore, my lords, no danger of an invasion, even though we had no forces by which it could be opposed; but much less is it to be feared, when it is remembered, that the sea is covered with our ships of war, and that all the coasts of Europe are awed and alarmed by the navies of Great Britain.

This then, my lords, is surely the time, when we ought not to have sacrificed any immediate and apparent interest to the fear of attempts from Spain or France, when we might without danger have assisted our allies with our national troops, and have spared that money which we have so lavishly bestowed upon auxiliaries; when we might securely have shown the powers of the continent how much British valour is yet to be feared, and how little our late losses or disgraces are to be imputed to the decline of our courage or our strength.

I suppose, my lords, no man will confess, that foreign troops have been hired as more to be trusted for their skill or bravery than our own. To dispute the palm of courage with any nation would be a reproach to the British name; and if our soldiers are not at least equally disciplined with those of other countries, it must be owned, that taxes have been long paid to little purpose, that the glitter of reviews has been justly ridiculed as an empty show, and that we have long been flattered by our ministers and generals with false security.

But though I am far from believing, that the army has been supported only for the defence of our country; and though I know, that their officers are frequently engaged in employments more important in the opinion of their directors, than that of regulating the discipline of their regiments, and teaching the use of arms and the science of war; yet, as I believe the courage of Britons such as may often supply the want of skill, I cannot but conclude, that they are at least as formidable as the troops of other countries, especially when I remember, that they enter the field incited and supported by the reputation of their country.

Why then, my lords, is the nation condemned to support at once a double burthen, to pay at home an army which can be of no use, and to hire auxiliaries, perhaps, equally unactive; to make war, if any war be intended, at an unnecessary expence, and to pay, at once, a fleet which only floats upon the ocean, an army which only awes the villages from which it is supported, and a body of mercenaries, of which no man can yet conjecture with what design they have been retained?

That they are intended for the support of the queen of Hungary has been, indeed, asserted; and this contract has been produced as an instance of the zeal of our ministers for the assertion of the Pragmatic Sanction, the preservation of the liberties of Europe, and the suppression of the ambitious enterprizes of the House of Bourbon; but surely, my lords, had the assistance of that illustrious princess been their sole or principal intention, had they in reality dedicated the sum which is to be received by the troops of Hanover, to the sacred cause of public faith and universal liberty, they might have found methods of promoting it much more efficaciously at no greater expence. Had they remitted that money to the queen, she would have been enabled to call nations

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to her standard, to fill the plains of Germany with the hardy inhabitants of the mountains and the deserts, and have deluged the empire of France with multitudes equally daring and rapacious, who would have descended upon a fruitful country like vultures on their prey, and have laid those provinces in ruin which now smile at the devastation of neighbouring countries, secure in the protection of their mighty monarch.

By this method of carrying on the war we might have secured our ally from danger which I cannot but think imminent and formidable, though it seems at present not to be feared. By so large an addition to her troops, she would have been enabled to frustrate those designs which her success may incline the king of Prussia to form against her; for with whatever tranquillity he may now seem to look upon this general commotion, his conduct gives us no reason to imagine, that he has changed his maxims, that he is now forgetful or negligent of his own interest, or that he will not snatch the first opportunity of aggrandizing himself by new pretensions to the queen of Hungary's dominions.

At least, my lords, it may without scruple be asserted, that the hopes which some either form or affect of engaging him in a confederacy for the support of the Pragmatic Sanction, are merely chimerical. He who has hitherto considered no interest but his own, he who has perhaps endangered himself by attempting to weaken the only power to which he, as well as the other princes of the empire, can have recourse for protection from the ambition of France, and has therefore broken the rules of policy only to gratify a favourite passion, will scarcely concur in the exaltation of that family which he has so lately endeavoured to depress, and which he has so much exasperated against him. If he is at length, my lords, alarmed at the ambition of the House of Bourbon, and has learned not to facilitate those designs which are in reality formed against himself, it cannot be doubted, that he looks with equal fear on the House of Austria, that he knows his safety to consist only in the weakness of both, and that in any contest between them, the utmost that can be hoped from him is neutrality.

But, my lords, he whose security depends only on a supposition, that men will not deviate from right reason or true policy, is in a state which can afford him very little tranquillity or confidence: whatever is necessarily to be preserved, ought to be defended, not only from certain and constant danger, but from casual and possible injuries; and among the rest, from those which may proceed from the mutability of the will, or the depravation of understanding; nor shall we sufficiently establish the House of Austria, if we leave it liable to be shaken whenever the king of Prussia shall feel his ambition rekindled, or his malevolence excited; we must not leave it dependent on the friendship or policy of the neighbouring powers, but must enable it once more to awe the empire, and set at defiance the malice of its enemies.

This, my lords, might have been done by a liberal subsidy, by which armies might have been levied, garrisons established, and cities fortified; and why any other method was pursued, what reason can be assigned? What, but an inclination to aggrandize and enrich a contemptible province, and to deck with the plunder of Great Britain the electorate of Hanover?

It has been suspected, my lords (nor has the suspicion been without foundation), that our measures have long been regulated by the interest of his majesty's electoral territories; these have been long considered as a gulf into which the treasures of this nation have been thrown; and it has been observed, that the state of the country has, since the accession of its princes to this throne, been changed without any visible cause; affluence has begun to wanton in their towns, and gold to glitter in their cottages, without the discovery of mines, or the increase of their trade; and new dominions have been purchased, of which it can scarcely be imagined, that the value was paid out of the revenues of Hanover.

This, my lords, is unpopular, illegal, and unjust, yet this might be borne in consideration of great advantages, of the protection of our trade, and the support of our honour. But there are men who dare to whisper, and who, perhaps, if their suspicions receive new confirmation, will publicly declare, that for the preservation of Hanover, our commerce has been neglected, and our honour impaired; that to secure Hanover from invasion, the House of Bourbon has been courted, and the family of Austria embarrassed and depressed. These men assert, without hesitation, that when we entered into a league with France against the emperor and the



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Spaniards, in the reign of the late king, no part of the British dominions were in danger; and that the alarm which was raised to reconcile the nation to measures so contrary to those which former ages had pursued, was a fictitious detestable artifice of wicked policy, by which Great Britain was engaged in the defence of dominions to which we owe no regard, as we can receive no real advantage from them.

It were to be wished, that no late instance could be produced of conduct regulated by the same principles; and that this shameful, this pernicious partiality, had been universally allowed to have ceased with the late reign; but it has never yet been shown, that the late neutrality, by which Hanover was preserved, did not restrain the arms of Great Britain; nor when it has been asked, why the Spanish army was, when within reach of the cannon of the British navy, peaceably transported to Italy, has any other reason been assigned, than that the transports could not be destroyed without a breach of the neutrality of Hanover.

This, my lords, is a subject on which I could have only been induced to dwell, by my zeal for the present establishment, and my personal affection for his majesty. It is universally allowed, that not only the honour and prosperity, but the safety of a British monarch, depends upon the affections of his subjects; and that neither splendid levies, nor large revenues, nor standing armies, can secure his happiness or his power any longer than the people are convinced of his tenderness and regard, of his attention to their complaints, and his zeal for their interest. If therefore it should ever be generally believed, that our king considers this nation only as appendent to his electoral dominions, that he promotes the interest of his former subjects at the expence of those by whom he has been exalted to this throne, and that our commerce, our treasures, and our lives, are sacrificed to the safety, or to the enlargement of distant territories, what can be expected? What but murmurs, disaffection, and distrust, and their natural consequences, insurrection and rebellion? rebellion of which no man can foresee the event, and by which that man may perhaps be placed upon the throne, whom we have so wisely excluded, and so solemnly abjured.

Of this unreasonable regard to the interest of Hanover, the contract which we are now considering exhibits, if not a proof too apparent to be denied, yet such an appearance as we ought for our own sakes and that of his majesty to obviate; and therefore I think the Address which is now proposed in the highest degree reasonable; and am convinced, that by complying with our request, his majesty will gain the affections of many of his subjects, whom a long train of pernicious measures have filled with discontent; and preserve the loyalty of many others, who, by artful representations of the motives and consequences of this contract, may be alienated and perverted.

Lord *Bathurst:*

My lords; as I have no reason to doubt the noble duke's affection to the present royal family, I am convinced, that the ardour of his expressions is the effect of his zeal, and that the force of his representations proceeds only from the strength of his conviction; and therefore I am far from intending to censure any accidental negligence of language, or any seeming asperity of sentiment. I know, that the openness and dignity of mind which has incited him to declare his opinion with so much freedom, will induce him likewise to retract it, when he shall be convinced, that he has been deceived by false representations, or that he has formed his conclusions too hastily, without an attentive examination of the question in its whole extent.

I shall, therefore, endeavour to explain the motives upon which all these measures have been formed which we have heard so warmly censured; and show, that they were the consequences not of haste and negligence, but of vigilance and circumspection; that they were formed upon a deliberate survey of the complicated interests of the European powers, and dictated not by a partiality to Hanover, but a faithful attention to the interest of Great Britain.

It has been already observed by a noble lord, that there was no choice allowed us; that the state of Europe required, that we should not sit unactive; and that yet there was no other method of acting, by which we could benefit our allies, or injure our enemies; and that therefore, though our interposition had not produced all the effects which our zeal might incline us to wish, yet our conduct ought not to be condemned; because, though we did not press forward through the nearest path to the great object of our pursuit, we ex-

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erted our utmost speed in the only way that was left open. This, my lords, is, in my opinion, a very just apology; nor do I see, that this vindication can be confuted or invalidated otherwise than by showing, that some different measures, measures equally reasonable, were equally in our power.

But because the plea of necessity may perhaps be evaded; and because it is at least pleasing to discover, that what was necessary was likewise convenient, I shall endeavour to show, that our measures have produced already such effects, as have sufficiently rewarded our expences; and that we may yet reasonably hope, that greater advantages will arise from them.

There are, indeed, some whom it will not be easy to satisfy, some who declare not against the manner in which the war is prosecuted, but against the war itself; who think the power of France too formidable to be opposed, and the people of Great Britain too much exhausted or enervated to hold any longer the balance of the continent.

I have indeed, my lords, always declared myself of a different opinion, and have frequently endeavoured to rouse others from a kind of indolent despair and tame acquiescence in the attempts of the French, by representations of the wealth and force, the influence and alliances of our own nation. I have often asserted, that I did not doubt but her conquests might be stopped by vigorous opposition, and that the current of her power, which had by artificial machines of policy been raised higher than its source, would subside and stagnate, when its course was no longer assisted by cowardice, and its way levelled by submission.

These, my lords, were my sentiments, and this was my language at a time, when all the powers of Europe conspired to flatter the pride of France by falling at her feet, when her nod was solicitously watched by all the princes of the empire, when there was no safety but by her protection, nor any enterprise but by her permission; when her wealth influenced the counsels of nations, when war was declared at her command in the remotest corners of Europe, and every contest was submitted to her arbitration.

Even at this time, my lords, was I sufficiently confident of the power of my own country, to set at defiance in my own mind this gigantic state. I considered all additions to its greatness rather as the tumour of disease than the shootings of vigour, and thought that its nerves grew weaker as its corpulence increased. Of my own nation I saw, that neither its numbers nor its courage were diminished, I had no reason to believe our soldiers or our sailors less brave than their fathers; and therefore imagined, that whenever they should be led out against the same enemies, they would fight with the same superiority, and the same success.

But for these hopes, my lords, I was sometimes pitied by those who thought themselves better acquainted with the state of Europe than myself, and sometimes ridiculed by those who had been long accustomed to depress their own country, and to represent Great Britain as only the shadow of what it once was; to deride our armies and our fleets, and describe us impoverished and corrupted, sunk into cowardice, and delighted with slavery.

That my opinion is now likely to be justified, and that those who have hitherto so confidently opposed me will soon be obliged to acknowledge their mistake, is of very small importance; nor is my self-love so predominant as to incline me to reckon the confirmation of my predictions, or the vindication of my sagacity, among the benefits which we are now about to receive. We are now soon to be convinced that France is not irresistible, nor irresistible to Great Britain. We are now to see the embroilers of the universe entangled in their own schemes, and the depopulators of kingdoms destroyed in those fields which they have so wantonly laid waste. We shall see justice triumphant over oppression, and insolence trampled by those whom she has despised. We shall see the powers of Europe once more equally balanced, and the balance placed again in the hands of Great Britain.

If it be required upon what events these expectations are founded; and if it be alleged, that we have no such resolutions to hope from the measures that have been hitherto pursued; it has been affirmed by a noble lord, that our armies in Flanders are useless, and that our motions have given neither courage nor strength to any other powers; that the queen of Hungary is yet equally distressed, and that the French still pursue their schemes without any interruption from us or our allies. I shall hope by an impartial account of the

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present state of the continent to show, that his assertions are groundless, and his opinion erroneous.

The inactivity of our army in Flanders has, indeed, furnished a popular topic of declamation and ridicule. It is well known how little the bulk of mankind are acquainted, either with arts of policy, or of war; how imperfectly they must always understand the conduct of ministers or generals, and with what partiality they always determine in favour of their own nation. Ignorance, my lords, conjoined with partiality, must always produce expectations which no address nor courage can gratify; and it is scarcely, therefore, to be hoped, that the people will be satisfied with any account of the conduct of our generals which does not inform them of sieges and battles, slaughter and devastation. They expect that a British army should over-run the continent in a summer, that towns should surrender at their summons, and legions retire at their shout, that they should drive nations before them, and conquer empires by marching over them.

Such, my lords, are the effects which the people of England expect; and as they have hitherto been disappointed, their disappointment inclines them to complain. They think an army useless which gains no victories, and ask to what purpose the sword is drawn, if the blood of their enemies is not to be shed? But these are not the sentiments of your lordships, whose acquaintance with public affairs informs you, that victories are often gained where no standards are taken, nor newspapers filled with lists of the slain; and that by drawing the sword opportunely, the necessity of striking is often prevented. You know, that the army which hovers over a country and draws the forces which defend it to one part, may destroy it without invading it, by exposing it to the invasion of another; and that he who withholds an army from action, is not less useful to his ally than he that defeats it.

This, my lords, is the present use of our troops in Flanders; the French are kept in continual terror, and are obliged to detach to that frontier those troops which, had they not been thus diverted, would have been employed in the empire; and surely an army is not unactive which withholds a double number from prosecuting their design.

That our motions have not encouraged other powers to fulfil their engagements, or to unite in the defence of the general liberty of Europe, cannot truly be asserted. The Dutch apparently waken from their slumber, whether it was real or affected; they at least discover less fear of the French, and have already given such proofs of their inclination to join with us as may encourage us to expect, that they will in a short time form with us another confederacy, and employ their utmost efforts in the common cause.

What they have already offered will at least enable us to assist the queen of Hungary with greater numbers, and her to employ her troops where she is most pressed; for they have engaged to garrison the towns of Flanders, which, since they cannot be evacuated, is in effect an offer of auxiliary troops; since if those forces had been added to the Austrian army, an equal number of Austrians must have been subducted to garrison the frontier.

It is, therefore, without reason, that narrow-minded censurers charge us with becoming the slaves of the Dutch, with fighting their battles and defending their barrier, while they pursue their commerce in tranquillity, enjoy peace at the expence of British blood, and grow rich by the profusion of British treasure. It appears, that they concur in the preservation of themselves and of Europe, though with delays and caution; since, though they do not send forces into the field, they supply the place of those which are sent, and enable others to destroy those whom they are not yet persuaded to attack themselves.

The constitution of that republic is, indeed, such as makes its alliance not valuable on sudden emergencies in proportion to its wealth and power. The determinations of large assemblies are always slow; because there are many opinions to be examined, many proposals to be balanced, and many objections to be answered. But with much more difficulty must any important resolution be formed, where it must be the joint act of the whole assembly, where every individual has a negative voice, and unanimity alone can make a decision obligatory. Wherever this is the form of government, the state lies at the mercy of every man who has a vote in its councils; and the corruption or folly or obstinacy of one may retard or defeat the most important designs, lay his country open to the inroads of an enemy, dissolve the most solemn alliances, and involve a nation in misery.

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This, my lords, I need not observe to be the Dutch constitution, nor need I tell this House, that we are not always to judge of the general inclination of that people by the procedure of their deputies, since particular men may be influenced by private views, or corrupted by secret promises or bribes; and those designs may be retarded by their artifices which the honest and impartial universally approve. This is perhaps, the true reason of the present delays which have furnished occasion to such loud complaints, complaints of which we may hope quickly to have an end; since it can hardly be doubted, but the general voice of the people will there, as in other places, at last prevail, and the prejudices or passions of private men give way to the interest of the public.

That the queen of Hungary is now equally distressed, and that she has received no advantage from the assistance, which we have at so great an expence appeared to give her, is likewise very far from being true. Let any man compare her present condition, with that in which she was before Great Britain engaged in her cause, and it will easily be perceived, how much she owes to the alliance of this nation. She was then flying before her enemies, and reduced to seek for shelter in the remotest part of her dominions, while her capital was fortified in expectation of a siege. Those who then were distributing her provinces, and who almost hovered over her only remaining kingdom, are now retiring before her troops. The army by which it was intended that her territories in Italy should be taken from her, is now starving in the countries which it presumed to invade; and the troops, which were sent to its assistance, are languishing at the feet of mountains which they will never pass.

These are the effects, my lords, of those measures, which for want of being completely understood, or attentively considered, have been so vehemently censured. These measures, my lords, however injudicious, however unseasonable, have embarrassed the designs of France, and given relief to the queen of Hungary; they have animated the Dutch to action, and kindled in all the powers of Europe, who were intimidated by the French armies, new hopes and new resolutions; they have indeed made a general change in the state of Europe, and given a new inclination to the balance of power. Not many months have elapsed, since every man appeared to consider the sovereign of France as the universal monarch, whose will was not to be opposed, and whose force was not to be resisted. We now see his menaces despised, and his propositions rejected; every one now appears to hope rather than to fear, though lately a general panic was spread over this part of the globe, and fear had so engrossed mankind, that scarcely a man presumed to hope.

But it is objected, my lords, that though our measures should be allowed not to have been wholly ineffectual, and our money appear not to have been squandered only to pay the troops of Hanover, yet our conduct is very far from meriting either applause or approbation; since much greater advantages might have been purchased at much less expence, and by methods much less invidious and dangerous.

The queen of Hungary might, in the opinion of these censurers, have raised an hundred thousand men with the money which we must expend in hiring only sixteen thousand, and might have destoyed those enemies whom we have hitherto not dared to attack.

Those who make this supposition the foundation of their censures, appear not to remember, that the queen of Hungary's dominions, like those of other princes, may by war be in time exhausted; that the loss of inhabitants is not repaired in any country but by slow degrees; and that there is no place yet discovered where money will procure soldiers without end, or where new harvests of men rise up annually, ready to fight those quarrels in which their predecessors were swept away. If the money had, instead of being employed in hiring auxiliaries, been remitted to the queen, it is not probable that she could at any rate have brought a new army together. But it is certain, that her new troops must have been without arms and without discipline. It might have been found, perhaps, in this general disturbance of the world, not easy to have supplied them with weapons; and it is well known how long time is required to teach raw forces the art of war, and enable them to stand before a veteran enemy.

It was, therefore, necessary to assist her rather with troops than money; and since troops were necessarily to be hired, why should we employ the forces of Hanover less willingly than those of any other nation? To assert that they have more or less courage than others is chimerical, nor can any man suppose them either more brave or timorous than those of the neighbouring coun-

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tries, without discovering the meanest prejudices, and the narrowest conceptions; without showing that he is wholly unacquainted with human nature, and that he is influenced by the tales of nurses, and the boasts of children.

There was, therefore, no objection against the troops of Hanover, that was not of equal strength against all foreign troops; and there was at least one argument in their favour, that they were subjects of the same prince; and that therefore we could have no reason to fear their defection, or to suspect their fidelity.

The electorate of Hanover, with whatever contempt or indignation some persons may affect to mention it, is to be considered at least as a state in alliance with Great Britain, and to receive from us that support which the terms of that alliance may demand.

Any other regard, my lords, indeed it is not necessary to contend for; since it cannot be proved, that in this transaction we have acted otherwise than as with allies, or hired the troops on conditions which those of any other nation would not have obtained, or on any which they will not deserve; since your lordships have received assurances, that they are ready to enter the field, and to march into Germany against the common enemy. That we might have raised new troops in our own nation, and have augmented our army with an equal number of men, cannot be denied; nor do I doubt, my lords, but our countrymen would be equally formidable with any other forces; but it must be remembered, that an army is not to be levied in an instant, and that our natives, however warlike, are not born with the knowledge of the use of arms; and who knows, whether Europe might not have been enslaved before a British army could have been raised and disciplined for its deliverance?

Whether this account of our measures will satisfy those who have hitherto condemned them, I am not able to foretel. There are, indeed, some reasons for suspecting, that they blame, not because they disapprove, but because they think it necessary either to the character of discernment or of probity, to censure the ministry, whatever maxims are pursued. Of this disposition it is no slight proof, that contrary measures have been sometimes condemned by the same men with the same vehemence; and that even compliance with their demands has not stilled their outcries. When the ministry appeared unwilling to engage in the war of Germany, without the concurrence of the other powers who had engaged to support the Pragmatic Sanction, they were hourly reproached with being the slaves of France, with betraying the general cause of Europe, and with repressing that generous ardour, by which our ancestors have been incited to stand forth as the assertors of universal liberty, and to fight the quarrel of mankind. They were marked out as either cowards or traitors, and doomed to infamy as the accomplices of tyranny, engaged in a conspiracy against their allies, their country, and their posterity.

At length the British have roused again, and again declared themselves the supporters of right, whenever injured; they have again raised their standards in the continent, and prepare to march again through those regions where their victories are yet celebrated, and their bravery yet reverenced. The hills of Germany will again sound with the shouts of that people who once marched to her deliverance through all the obstructions that art or power could form against them, and which broke through the pass of Schellembourg, to rout the armies that were ranged behind it.

Now it might be expected, my lords, that at least those who were before dissatisfied, should declare their approbation; for surely where peace or neutrality is improper, there is nothing left but war. Yet experience shows us, that men resolved to blame will never want pretences for venting their malignity; and where nothing but malignity is the consequence of opposite measures, we must necessarily conclude, that there is a fixed resolution to blame, and that all vindications will be ineffectual.

Some have, indeed, found out a middle course between censure and approbation, and declare, that they think these measures now justifiable, because we have proceeded too far to retreat with honour; and that though at first a better scheme might have been formed, yet this, which has hitherto been pursued, ought not now to be changed.

I, my lords, though it is not of very great importance to confute an opinion by which the measures of the government will not be obstructed, cannot forbear to declare myself of different sentiments, and to assert, in opposition to artful calumnies and violent invectives, that the present

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measures were originally right, that they were such as prudence would dictate, and experience approve, and such as we ought again to take, if we have again the power of choice.

I am, indeed, far from doubting, but these measures will in a short time be justified by success; a criterion by which, however unjustly, the greatest part of mankind will always judge of the conduct of their governors; for it is apparent, my lords, that howsoever the French power, commerce, and wealth, have been exaggerated by those that either love or fear them, they will not long be able to stand against us; their funds will in a short time fail them, and their armies must be disbanded, when they can no longer be paid, lest, instead of protecting their country, they should be inclined to plunder it.

The abundance of our wealth, my lords, and the profit of our commerce, are sufficiently apparent from the price of our stocks, which were never before supported at the same height for so long a time; and of the fall of which neither an actual war with Spain, nor the danger which has been suggested of another with France, with France in the full possession of all its boasted advantages, has yet been able to produce any token. Another proof of the exuberance of our riches, and the prosperity of our commerce by which they are acquired, is the facility with which the government can raise in an instant the greatest sums, and the low interest at which they are obtained. If we compare our state in this respect with that of France, the insuperable difficulties under which they must contend with us, will sufficiently discover themselves. It is well known, my lords, that we have lately raised the money which the service of each year required, at the interest of three for a hundred; nor is it likely that there will be any necessity of larger interest, though our annual demands were to be equal to those of the last war. But the French are well known to raise the sums which their exigencies require on very different terms, and to have paid ten for a hundred for all the money which their late projects have required; projects which they cannot pursue long at such enormous expence, and by which their country must in a short time be ruined, even without opposition.

While we can, therefore, raise three millions for less than the French can obtain one, and by consequence support three regiments at the same expence as one is supported in their service, we have surely no reason to dread the superiority of their numbers, or to fear that they will conquer by exhausting us.

Thus, my lords, I have delivered my opinion with freedom and impartiality; and shall patiently hearken to any objections that shall arise against it, supported by the consciousness, that a confutation will only show me, that I have been mistaken; but will not deprive me of the satisfaction of reflecting, that I have not been wanting to my country; and that if I have approved or defended improper measures, I at least consulted no other interest than that of Great Britain.

Lord *Hervey:*

My lords; it is not without that concern which every man ought to feel at the apparent approach of public calamities, that I have heard the measures which are now the subject of our enquiry so weakly defended, when their vindication is endeavoured with so much ardour, and laboured with so much address.

The objections which press upon the mind, at the first and slightest view of our proceedings, are such as require the closest attention, such as cannot but alarm every man who has studied the interest of his country, and who sincerely endeavours to promote it; and therefore it might be hoped, that those who appear to have thought them insufficient, are able to produce in opposition to them the strongest arguments, and the clearest deductions.

When we attempt the consideration of our present condition, and enquire by what means our prosperity may be secured, the first reflection that occurs, is, that we are traders, that all our power is the consequence of our wealth, and our wealth the product of our trade. It is well known, that trade can only be pursued under the security of peace; that a nation which has a larger commerce, must make war on disadvantageous terms against one that has less; as of two contiguous countries, the more fruitful has most to fear from an invasion by its neighbour.

It is visible likewise to any man who considers the situation of Great Britain, that there is no nation by which our trade can in time of war be so much obstructed as by France, of which the coasts are opposite to ours, and which can send out small vessels, and seize our merchants in the mouths of our harbours, or in the channel of which we boast the sovereignty:

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and all those who have heard or read of the last war, in which we gained so much honour, and so little advantage, know that the privateers of France injured us more than its navies or its armies; and that a thousand victories on the continent, where we were only contending for the rights of others, were a very small recompence for the obstruction of our commerce; nor can he feel much tenderness for mankind, who would purchase by the ruin and distress of a thousand families, industrious and innocent, the momentary festivity of a triumph, or the idle glare of an illumination.

Yet, my lords, this nation, however zealous for its commerce, is about to engage in a war, in a war with the only state by which our commerce can be impaired; it is about to support new armies on the continent without allies, and without treasure.

That we are without treasure, and that our trade, by which only our funds can be supplied, has lately been very much diminished, is too easy to prove in opposition to the specious display which the noble lord, who spoke last, has been pleased to make of the exuberance of our wealth.

If the abundance of our riches be such as it has been represented, why are no measures formed for the payment of the public debts? of which no man will say, that they are not in themselves a calamity, and the source of many calamities yet greater; of which it cannot be denied, that they multiply dependence by which our constitution may sometimes be endangered. Why are those debts not only unpaid, but increased by annual additions to such a height, that the payment of them must soon become desperate, and the public sink under the burthen?

That our trade, my lords, and by consequence our wealth, is of late diminished, may be proved beyond controversy, even to those whose interest it is not to believe it, and upon whom, therefore, it cannot be expected, that arguments will have a great effect. The produce of the customs was the last year less by half a million than the mean revenue; and as our customs must always bear a certain proportion to trade, we may form an indisputable estimate from them of its increase or its decline.

The rise of our stocks, my lords, is such a proof of riches, as dropsical tumours are of health; it shows not the circulation, but the stagnation, of our money; and though it may flatter us with a false appearance of plenty for a time, will soon prove, that it is both the effect and cause of poverty, and will end in weakness and destruction.

When commerce flourishes, when its profit is certain and secure, men will employ their money in the exchange of commodities, by which greater advantage may be gained, than by putting it into the hands of brokers; but when every ship is in danger of being intercepted by privateers, and the insurer divides the profit of every voyage with the merchant, it is natural to choose a safer, though a less profitable traffic; and rather to treasure money in the funds, than expose it on the ocean.

But, my lords, the ministers themselves have sufficiently declared their opinion of the state of the national wealth, by the method which they have taken to raise those supplies of which they boast with how great facility they are raised.

When they found that new expences required new taxes, it was necessary to examine what could be taxed, or upon which part of the nation any other burthens could be laid without immediate ruin. They turned over the catalogue of all our manufactures, and found, that scarcely any of the conveniencies, or even the necessaries of life, were without an impost. They examined all the classes of our traders, and readily discovered, that the greatest number of those who endeavoured to support themselves by honest industry, were struggling with poverty, and scarcely able to provide to-day what would be necessary to-morrow. They saw our prisons crowded with debtors, and our papers filled with the names of bankrupts, of whom many may be supposed to have miscarried without idleness, extravagance, or folly.

They saw, therefore, my lords, that industry must sink under any addition to its load, a consideration which could afford no proof of the abundance of our wealth. They saw that our commodities would be no longer manufactured, if their taxes were increased; and therefore it was necessary to raise money by some other method, since all those which have been hitherto practised were precluded.

This, my lords, was no easy task; but, however difficult, it has been accomplished; and to those great politicians must posterity be indebted for a new scheme of supplying the expences of a war.

In the time of the late ministry it had

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been observed, that drunkenness was become a vice almost universal among the common people; and that as the liquor which they generally drank was such that they could destroy their reason by a small quantity, and at a small expence, the consequence of general drunkenness was general idleness; since no man would work any longer than was necessary to lay him asleep for the remaining part of the day. They remarked likewise, that the liquor which they generally drank was to the last degree pernicious to health, and destructive of that corporeal vigour by which the business of life is to be carried on; and a law was therefore made, by which it was intended that this species of debauchery, so peculiarly fatal, should be prevented.

Against the end of this law no man has hitherto made the least objection; no one has dared to signalize himself as an open advocate for vice, or attempted to prove that drunkenness was not injurious to society, and contrary to the true ends of human being. The encouragement of wickedness of this shameful kind, wickedness equally contemptible and hateful, was reserved for the present ministry, who are now about to supply those funds which they have exhausted by idle projects and romantic expeditions, at the expence of health and virtue; who have discovered a method of recruiting armies by the destruction of their fellow-subjects; and while they boast themselves the assertors of liberty, are endeavouring to enslave us by the introduction of those vices, which in all countries, and in every age, have made way for despotic power.

Even this expedient, my lords, must in a short time fail them; the products of vice as well as of commerce must in time be exhausted; and what will then remain? The honest and industrious must feel the weight of some new imposition, which the sagacity of experienced oppression may find means to lay upon them; they will then first find the benefit of this new law, since they may, by the use of those liquors which are indulged them, put a speedy end to that life which they made unable to support.

The means by which the expences of our present designs are to be supported, such means, my lords, as were never yet practised by any state, however exhausted, or however endangered, means which a wise nation would scarcely use to repel an invader from the capital, or to raise works to keep off a general inundation, raise yet stronger motions of indignation, when it is considered for what designs these expences are required.

We are now, my lords, raising armies, and hiring auxiliaries, for an expedition of which no necessity can be discovered, and from which neither honour nor advantage can be expected; we are about to force from the people the last remains of their property, and to harass with exactions those who are already languishing with poverty; not for the preservation of our liberty, or the defence of our country, but for the support of the Pragmatic Sanction, for the execution of a very unjust scheme formed by the late king, to which he purchased at different times, on different emergencies, the concurrence of other powers; but to which he failed to put the last seal of confirmation, perhaps in hopes of a male heir, and left the design, which he had so long and so industriously laboured, to be at last completed by the kindness of his allies; having, by an unsuccessful war against the Turks, exhausted his treasure, and weakened his troops.

Whether we shall now engage in this design; whether we shall, for the defence of the Pragmatic Sanction, begin another war on the continent, of which the duration cannot be determined, the expence estimated, or the event foreseen; whether we shall contend at once with all the princes of the House of Bourbon, and entangle ourselves in a labyrinth of different schemes; whether we shall provoke France to interrupt our commerce, and invade our colonies, and stand without the assistance of a single ally against those powers that lately set almost all Europe at defiance, is now to be determined by your lordships.

It can scarcely be expected, that the French will treat us only as auxiliaries, and satisfy themselves with attacking us only where they find themselves opposed by us; they will undoubtedly, my lords, consider us as principals, since they can suffer little more by declaring war against us.

These, my lords, are the dangers to be feared from the measures which we are now persuaded to pursue; but persuaded by arguments which, in my opinion, ought to have very little influence upon us, and which have not yet been able, however artfully or zealously enforced, to prevail upon the Dutch to unite with us.



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It has, indeed, been asserted, that the Dutch appear inclined to assist us: but of that inclination stronger proofs ought surely to be produced, before we take auxiliaries into pay, and transport troops into another country, which have been so often represented to have been raised for the defence of their own, or collect money from the public by the propagation of wickedness.

Of this favourable inclination in the Dutch I am the more doubtful, because it is contrary to the expectations of all mankind, and to the maxims by which they have generally regulated their conduct. There have been many late instances of their patient submission to the invasion of privileges to which they have thought themselves entitled, and of their preference of peace, though sometimes purchased with the loss of honour; or, what may be supposed to touch a Dutchman much more nearly, of profit, to the devastation and expence and hazards of war; and it can hardly be supposed by any who know their character, that they will be more zealous for the rights of others than for their own; or that they will, for the support of the queen of Hungary, sacrifice that security and tranquillity which they have preferred at the expence of their commerce at one time, and by passive submission to insults at another.

That a nation like this, my lords, will in the quarrel of another engage in any but moderate measures, is not to be expected: it is not improbable, that they may endeavour by embassies and negociations to adjust the present disputes, or offer their mediation to the contending powers; but I am very far from imagining, that they will find in themselves any disposition to raise armies, or equip fleets, that they will endanger the barrier which has been so dearly purchased, or expose themselves to the hazards and terrors of a French war; and am, therefore, inclined to believe, that if any tendency towards such measures now appears, it is only the effect of the present heat of some vehement declaimers, or the secret machination of some artful projectors among them, who have formed chimerical plans of a new system of Europe, and have in their imaginations regulated the distribution of dominion and power, or who perhaps have diminished their patrimonies by negligence and extravagance, and hope to repair them in times of confusion, and to glean part of that harvest of treasure which the public must be obliged to yield in time of war. I am still inclined to believe, that the true interest of the republic will be consulted, that policy will prevail over intrigue, and that only moderate measures will be pursued by the general council of the states.

Moderate measures, my lords, if not always the most honourable in the opinion of minds vitiated by false notions of grandeur, are at least always the most safe; and are, therefore, eligible at least, till the scene of affairs begins to open, and the success of a more vigorous conduct may with some degree of certainty be foreknown; and it must at least be thought imprudent for those to hazard much who can gain nothing, and therefore it will not be easy to assign any reason that may justify our conduct on the present occasion.

It is not improbable, my lords, that those who have now obtained the direction of our affairs, may be influenced by the general disapprobation which the British people showed of the pacific conduct of the late ministry, and may have resolved to endeavour after applause, by showing more spirit and activity. But, my lords, of two opposite schemes it is not impossible that both may be wrong, and that the middle way only may be safe; nor is it uncommon for those who are precipitately flying from one extreme, to rush blindly upon another.

But our ministry, my lords, have found out a method of complicating errors which none of their predecessors, however stigmatised for ignorance and absurdity, have hitherto been able to attain; they have been able to reconcile the extremes of folly, and to endanger the public interest at the same time, by inactivity and romantic temerity.

No accusation against the late ministry was more general, more atrocious, or more adapted to incense the people, than that of neglecting the war against Spain: this was the subject of all the invectives which were vented against them in parliament, or dispersed among the people; for this they were charged with a secret confederacy against their country, with disregard of its commerce and its arms, and with a design to ruin the nation for no other end than to punish the merchants.

To this accusation, my lords, diligently propagated, willingly received, and, to confess the truth, confirmed by some appearances, do those owe their power, who now preside over the affairs of the nation; and it might, therefore, have been hoped,

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that by their promotion, one of our grievances would have been taken away, and that at least the war against Spain would have been vigorously prosecuted.

But this ministry, my lords, have only furnished a new instance of the credulity of mankind, of the delusion of outward appearances, and of the folly of hoping with too great ardour for any event, and of trusting any man with too great confidence. No sooner were they possessed of the power to which their ambition had so long aspired, and of the salaries which had with so much eagerness been coveted by their avarice, than they forgot the complaints of the merchants, the value of commerce, the honour of the British flag, the danger of our American territories, and the great importance of the war with Spain, and contented themselves with ordering convoys for our merchants, instead of destroying the enemy by whom they are molested.—The fleets which are floating from one coast to another in the Mediterranean, and which sometimes strike terror into the harmless inhabitants of an open coast, or threaten, but only threaten, destruction to an unfortified town, I am very far from considering as armaments fitted out against the Spaniards, who neither feel nor fear any great injury from them: their trade may be, indeed, somewhat impeded; but that inconvenience is amply compensated by their depredations upon our merchants: their navies may be confined to their own ports, or to those of France; but these navies are not very necessary to them, since they are not sufficiently powerful to oppose us on the ocean; and therefore they who are thus confined, suffer less than those who confine them. We have, indeed, the empty pleasure of seeing ourselves lords of the sea, and of shaking the coasts with vollies of our cannon; but we purchase the triumph at a very high price, and shall find ourselves in time weakened by a useless ostentation of superiority.

The only parts of the Spanish dominions in which they can receive any hurt from our forces, are those countries which they possess in America, and from which they receive the gold and silver which inflame their pride, and incite them to insult nations more powerful than themselves. By seizing any part of those wealthy regions, we shall stop the fountain of their treasure, reduce them to immediate penury, and compel them to solicit peace upon any conditions that we shall condescend to offer them.

The necessity of invading these countries, my lords, was perfectly understood, and very distinctly explained, when the forces destined for that expedition were delayed, and when the attempt at Carthagena miscarried; nothing was more pathetical than the complaints of the patriots, who spared no labour to inform either the parliament or the nation of the advantages which success would have procured. But what measures have been taken to repair our losses, or to regain our honour; or what new schemes have been formed for making an attack more forcible upon some weaker part?

Every one can remember, that the miscarriage of that enterprise was imputed not to its difficulty, nor to the courage of the Spaniards, nor to the strength of their works, but to the unskilfulness of our officers, and the impropriety of the season; and it was, therefore, without doubt thought not impossible to attack the Spanish colonies with success; but why then, my lords, have they hitherto suffered the Spaniards to discipline their troops, and strengthen their works at leisure, that at length they may securely set us at defiance, and plunder our merchants without fear of vengeance?

Thus, my lords, has our real interest been neglected in pursuit not of any other scheme of equal advantage, but of the empty title of the arbiters of Europe; we have suffered our trade to be destroyed, and our country impoverished, for the sake of holding the balance of power; that variable balance, in which folly and ambition are perpetually changing the weights, and which neither policy nor strength could yet preserve steady for a single year.

In the prosecution of this idle scheme, we are about to violate all the maxims of wisdom, and perhaps of justice; we are about to destroy the end by the means which we make use of to promote it, to endanger our country more by attempting to hinder the changes which are projected in Europe, than their accomplishment will endanger it, and to deliver up ourselves to France before she makes any demand of submission from us.

If any excuse could be made for expeditions so likely to end in ruin, it must be that justice required them; and that if we suffer, we at least suffer in support of right, and in an honest endeavour to promote the execution of the great laws of moral equity; that if we fail of success, we shall always

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have the consolation of having meant well, and of having deserved those victories which we could not gain.

But, upon an impartial survey of the cause in which we are going to engage, and on which we are about to hazard our own happiness, and that of our posterity, I can discover no such apparent justice on the side of the queen of Hungary, as ought to incite distant nations to espouse her quarrel, to raise armies in her favour, to consider her cause as that of human nature, and to prosecute those that invade her territories, as the enemies of general society.

The Pragmatic Sanction, my lords, by which she claims all the hereditary dominions of her family, cannot change the nature of right and wrong, nor invalidate any claim before subsisting, unless by the consent of the prince by whom it was made. The elector of Bavaria may therefore urge in his own defence, that by the elder sister he has a clear and indisputable right, a right from which he never receded, as he never concurred in the Pragmatic Sanction; he may therefore charge this illustrious princess, for whom so many troops are raised, and for whom so much blood is about to be shed, with usurpation, with detention of the dominions of other potentates, and with an obstinate assertion of a false title.

That the Pragmatic Sanction is generally understood to be unjust, appears sufficiently from the conduct of those powers who, though engaged by solemn stipulations to support it, yet look unconcerned on the violation of it, and appear convinced, that the princes who are now dividing among themselves the Austrian dominions, produce claims which cannot be opposed without a manifest disregard of justice.

The pretensions of these princes ought indeed to have been more attentively considered, when this guaranty was first demanded; for it is evident, that either no such compact ought to have been made, or that it ought now to be observed; and that those who now justify the neglect of it, by urging its injustice, ought to have refused accession to it for the same reason. But it is probable, that they will urge in their defence, what cannot easily be confuted, that their consent was obtained by misrepresentations; and that he who has promised to do any thing on the supposition that it is right, is not bound by that promise, when he has discovered it to be wrong.

But though justice may, my lords, be pretended, I am far from doubting, that policy has in reality supplied the motives upon which these powers proceed. Since the world is evidently governed more by interest than virtue, I think it not unreasonable to imagine, that they form their measures according to their own expectations of advantage; and as I do not believe our countrymen distinguished from the rest of mankind by any peculiar disregard of themselves, it may not be improper to examine, even in this place, whether by restoring the House of Austria to its ancient greatness, we shall promote our own happiness, or that of the kingdom, or of the rest of Europe.

To ourselves, my lords, I do not see what assistance can be given in time of danger by this House, however powerful, or however friendly; for I suppose we shall never suffer it to grow powerful by sea as well as by land, and by sea only can we receive benefits or injuries.

What advantages the rest of Europe may promise themselves from the restoration of the Austrian power, may be learned, my lords, from the history of the emperor Charles the fifth, who for many years kept the world in continual alarms, ranged from nation to nation with incessant and insatiable ambition, made war only for the extinction of the Protestant religion, and employed his power and his abilities in harassing the neighbouring princes, and disturbing the tranquillity of mankind.

Nor did his successors, my lords, though weakened by the division of his dominions, enjoy their power with greater moderation, or exert it to better purposes. It is well known, that they endeavoured the subversion of both the liberties and religion of the subordinate states of the empire, and that the king of Sweden was called into Germany, as well for the preservation of the Protestant religion, as of the rights of the electors.

This, my lords, is so generally known and confessed, that Puffendorf, the best writer on the German constitution, has declared it disadvantageous to the empire to place at its head a prince too powerful by his hereditary dominions, since they will always furnish him with force to oppress the weaker princes; and it is not often found, that he who has the power to oppress, is restrained by principles of justice.

It appears therefore to me, my lords, that the late election of an emperor was

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made with sufficient regard to the general good; and that therefore neither policy nor equity oblige us to act in a manner different from the other powers who are joined in the same engagements, of whom I do not learn by any of the common channels of intelligence, that any of them intend the support of the Pragmatic Sanction: for no newspaper or pamphlet has yet informed us, that any of the other powers are hiring auxiliaries, or regulating the march of their troops, or making any uncommon preparations, which may foretoken an expedition against the emperor or his allies.

Yet, my lords, they are not restrained from attacking the emperor by so strong objections as may be made to the present design; for they owe him no obedience as their sovereign, nor have contributed to the acquisition of his honours; they have not, like his majesty, given their votes for his exaltation to the imperial seat, nor have acknowledged his right by granting him an aid. They might, therefore, without charge of disloyalty or inconsistency, endeavour to dethrone him; but how his majesty can engage in any such design, after having zealously promoted his advancement, and confirmed his election by the usual acknowledgment, I am not able to understand.

It is evident, that the king of Prussia believes himself restrained by his own acts, and thinks it absurd to fight against an emperor who obtained the throne by his choice; he therefore has, with his usual wisdom, refused to engage in the confederacy, nor have either promises or concessions been able to obtain more from him than a bare neutrality.

Whether indeed any more than a neutrality be intended even by this pompous armament, for which we are now required to provide, I may be allowed to doubt; since the troops that are hired at so high a rate are such as cannot act against the enemies of the queen of Hungary, without breach of the imperial constitutions.

It has been already justly observed in this debate, that when the emperor has obtained from the diet an aid of fifty months, that act is considered as an authentic recognition of his title: nor can any of the German princes afterwards make war against him, without subjecting his dominions to the imperial interdict, and losing the privileges of his sovereignty.

That the present emperor has already received this acknowledgment, and been confessed by his majesty, as elector of Hanover, to be legally invested with the imperial dignity, is well known; and therefore I cannot by any method of reasoning discover, nor have yet found any man able to inform me, why the troops of Hanover are chosen before those of any other nation, for a design which they cannot execute without ruining their sovereign if they fail; and infringing the constitution of the empire, if they should happen to succeed.

I should therefore have imagined, that the assistance of the queen of Hungary was only pretended, and that the forces were only designed to breathe the air of the continent, and to display their scarlet at the expence of Great Britain, had not the noble lord who spoke third in this debate informed us, that they will in reality march into Germany; a design, my lords, so romantic, unseasonable, and dangerous, that though I cannot doubt it after such assurances, I should not have believed it on any other; a design which I hope every man who regards the welfare of this kingdom will indefatigably oppose, and which every Englishman must wish that some lucky accident may frustrate.

To send an army into Germany, my lords, is to hazard our native country without necessity, without temptation, without prospect or possibility of advantage; it is to engage in a quarrel which has no relation to our dominions, or rights, or commerce; a quarrel from which, however it be decided, we can neither hope for any encrease of our wealth, our force, or our influence; but which may involve us in a war without end, in which it will be difficult to obtain the victory, and in which we must yet either conquer or be undone.

Surely, my lords, an expedition like this was never undertaken before, without consulting parliament, and declaring the motives on which it was designed: surely never was any supply of this nature demanded, without some previous discoveries to this House of the importance of the service for which they were required to provide. On this occasion, my lords, all the counsels of the government are covered by a cloud of affected secrecy, nor is any knowledge of our affairs to be gained, but from papers which are not to be regarded here, the printed votes of the other House.

I am always, my lords, inclined to suspect unusual secrecy, and to imagine, that men either conceal their measures, because they cannot defend them; or affect

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an appearance of concealing them, when in reality they have yet projected nothing; and draw the veil with uncommon care, only lest it should be discovered that there is nothing behind it; as when palaces are shown, those apartments which are empty are carefully locked up.

To confess my opinion without reserve, I am not so much inclined to believe, that our ministers' designs are bad, as that they design nothing; and suspect that this mighty army, so lavishly paid, and collected from such distant parts, is to regulate its motions by accident, and to wait without action, till some change in the state of Europe shall make it more easy for our ministers to form their scheme.

I hope, my lords, that by some accident more favourable than we have at present reason to expect, our German expedition will be retarded, till our ministers shall awaken from their present dream of delivering Europe from French ambition, and of restoring the ancient greatness of the House of Austria. I hope every day, as it adds to their experience, will diminish that ardour which is generally the effect of imperfect views, which is commonly raised by partial considerations, and ends in inconsiderate undertakings. I hope they will in time think it no advantage to their fellow-subjects to be doomed to fight the battles of other nations, and to be called out into every field, where they shall happen to hear that blood is to be shed. I hope they will be taught, that the only business of Great Britain is commerce; and that while our ships pass unmolested, we may sit at ease, whatever be the designs or actions of the potentates on the continent; that none but naval power can endanger our safety, and that it is not necessary for us to enquire, how foreign territories are distributed, what family approaches to its extinction, or where a successor will be found to any other crown than that of Great Britain.

If these maxims were once generally understood, from how much perplexity would our counsels be set free? How many thousands of our fellow-subjects would be preserved from slaughter? and how much would our wealth be encreased by saving those sums which are yearly squandered in idle expeditions, or in negociations equally useless, and perhaps equally expensive? Had these principles been received by our forefathers, we might now have given laws to the world, and perhaps our posterity will with equal reason say, How happy, how great, and formidable they should have been, had not we attempted to fix and to hold the balance of power, and neglected the interest of our country for the preservation of the House of Austria!

Thus, my lords, I have endeavoured to explain and enforce my opinion of the measures in which our ministers have engaged the nation; and hope, that I shall not be accused of being influenced in my determinations by personal prejudices, nor of having changed my opinions with regard to public affairs, in consequence of any change of the persons by whom they are conducted. For if my sentiments have ever been thought important enough to be retained in memory, I can, with the utmost confidence, appeal to all those who can recollect what I have formerly said, when the re-establishment of the House of Austria was the subject of our consultations; and defy the most rigorous and attentive examiner of my conduct, to prove, that there ever was a time, in which I thought it necessary or expedient for the British nation to be entangled in disputes on the continent, or to employ her arms in regulating the pretensions of contending powers.

I was always of opinion, my lords, that peace is the most eligible state, and that the ease of security is to be preferred to the honour of victory. I always thought peace particularly necessary to a trading people: and as I have yet found no reason to alter my sentiments, and as auxiliaries cannot be of any use but in time of war, I shall endeavour to promote peace by joining in the motion.

The Earl of *Cholmondeley*:

My lords; notwithstanding the atrocious charges which have been urged with so much vehemence against the ministry; notwithstanding the folly and absurdity which some noble lords have imagined themselves to have discovered in the present measures, I cannot yet prevail upon myself, whatever may be my veneration for their integrity, or my confidence in their abilities, to approve the motion for which they so earnestly contend.

To comply with this motion, my lords, would be, in my opinion, to betray the general cause of mankind, to interrupt the success of the assertors of liberty, to give up all the continent at once to the House of Bourbon, to defeat all the measures of our ancestors and ourselves, and to invite

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the oppressors of mankind to extend their claims of universal dominion to the island of Great Britain.

Of the measures which we are now to consider, I think the defence at once obvious and unanswerable; and should advise, that instead of exerting an useless sagacity in uncertain conjectures on future events, or displaying unseasonable knowledge by the citation of authorities, or the recollection of ancient facts, every noble lord should attentively compare the state into which Europe was reduced soon after the death of the late emperor, with that in which it now appears; and enquire to what causes such sudden and important changes are to be ascribed. He will then easily discover the efficacy of the British measures; and be convinced, that nothing has been omitted which the interest of this nation required.

When I hear it asked by the noble lords, what effects have been produced by our armaments and expences? For what end auxiliaries are hired, and why our armies are transported into Flanders? I cannot but suspect, my lords, that this affectation of ignorance is only intended to irritate their opponents; that they suppress facts with which they are well acquainted, only that they may have an opportunity of giving vent to their passions, of displaying their imagination in artful reproaches, and exercising their eloquence in splendid declamations. I believe they hide what they know where to find, only to oblige others to the labour of producing it: and ask questions not because they want or desire information, but because they hope to weary those whose stations condemn them to the task of answering them.

The effects, my lords, which the assistance given by us to the queen of Hungary have already produced, are the recovery of one kingdom, and the safety of the rest; the exclusion of the Spaniards from Italy on the one part, and on the other the confinement of them in it, without either the supplies for war, or the necessaries of life.

These, my lords, are surely great advantages; but these are not the greatest which we have reason to hope. Our vigour and resolution have at last animated the Dutch to suspend for a time their attention to trade and money, and to consider what they seldom much regard, the state of other nations; the most rich and powerful of their provinces have already determined to concur in the re-establishment of the House of Austria; and if the approbation of the rest be necessary, it is likely to be obtained by the same method of proceeding.

Thus, my lords, we have a prospect of doing that which the ministers of queen Anne, whose fidelity, wisdom, and address have been so often and so invidiously commended, thought their greatest honour, and the strongest proof of their abilities. We may soon form another confederacy against the House of Bourbon, at a time when Louis 14 is not at its head, at a time when it is exhausted by expensive projects; and when, therefore, it cannot make the same resistance as when it was before attacked.

By pursuing the scheme which is now formed, with steadiness and ardour, we may perhaps reinstate all those nations in their liberties, whom cowardice, or negligence, or credulity, have, during the last century, delivered up to the ambition of France: we may confine that swelling monarchy, which has from year to year torn down the boundaries of its neighbours, within its ancient limits, and disable it for ages from giving any new alarms to mankind, and from making any other efforts for the acquisition of universal dominion; we may re-establish the House of Austria as the great barrier of the world, by which it is preserved on one part from being laid waste by the barbarity of the Turks, and on the other from being enslaved by politer tyrants, and over-run by the ambition of France.

Elevated with such success, and encouraged by such prospects, we ought surely, my lords, to press forward in a path, where we have hitherto found no difficulties, and which leads directly to solid peace and happiness, which no dangers or terrors can hereafter interrupt: we ought, instead of relaxing, to redouble our efforts; and to remember, that by exerting all our strength and all our influence for a short time, we shall not only secure ourselves and our posterity from insolence and oppression, but shall establish the tranquillity of the world, and promote the general felicity of the human species.

For these great purposes, my lords, are those auxiliaries retained, of which some lords now require the dismission, and those armies transported, which part of the nation is by false reports inclined to recal; but I hope that such unreasonable demands will not be gratified, and that the

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faith of treaties, the ties of friendship, the call of justice, and the expectations of our allies, will easily prevail upon your lordships to despise the murmurs of prejudice and the outcries of faction.

The Earl of *Bath* :*

My lords; as I am far from thinking that my advice or opinion can be of any use in this illustrious assembly, I should have listened in silence to this debate, important as it is, had I not thought it my duty to defend here what I approved in the council; and considered it as an act of cowardice and meanness to fall passively down the stream of popularity, and to suffer my reason and my integrity to be overborne by the noise of vulgar clamours,

* "The day on which parliament was prorogued, Pulteney was called to the House of Peers, by the title of earl of Bath. Walpole had now the pleasure, if it be any pleasure to a great mind, to see the celebrated commoner, who had driven him from the helm, as much exposed to obloquy, as he himself had ever been in the plenitude of his power and unpopularity. He saw him lampooned in ballads replete with wit, reviled both by ministerial and opposition writers, his influence sunk so low, that he, who for a few days possessed the whole authority of the crown, was now unable to command for a friend a cornetcy of dragoons, or a lieutenancy of the navy. In fact, the credit of Pulteney was so much reduced, that on his remonstrating to the duke of Newcastle, hat the king had broken his promise of appointing sir John Hynde Cotton one of the lords of the admiralty; Newcastle replied, 'his majesty has another shop to go to,' alluding to the duke of Argyle, who had deserted Pulteney, and joined those who opposed the new administration. He saw him reviled, persecuted, and loaded with such improbable accusations, as receiving a peerage and an estate in London from the crown, for screening the minister from public vengeance.

"To this decline of Pulteney's influence, sir Charles H. Williams alludes in one of his satirical ballads:

Great earl of Bath, your reign is o'er;
The Tories trust your word no more,
The Whigs no longer fear ye;
Your gates are seldom now unbarr'd.
No crowds of coaches fill your yard,
And scarce a soul comes near ye.

Few now aspire at your good graces,
Scarce any sue to you for places,
Or come with their petition,
To tell how well they have deserved,
How long, how steadily they starved
For you in opposition:

Expect to see that tribe no more,
Since all mankind perceive that pow'r
Is lodg'd in other hands.
Sooner to Carteret now they'll go,
Or ev'n (though that's excessive low)
To Wilmington and Sands.

"I think it a duty, and feel a satisfaction in being able to rescue the name of Pulteney from indiscriminate censure, and to prove, from the most unequivocal facts, that he has been unjustly accused of acting from base and sordid motives.

"In regard to the peerage, he had never concealed his intention of procuring that dignity, for he had been frequently heard to say to his friends, 'When I have turned out sir Robert Walpole, I will retire into that hospital of invalids, the House of Peers.' But it is no less true, that he had repeatedly declined the honour under his administration. He who had driven out Walpole, who had declined the office of prime minister, who had made lord Wilmington first lord of the treasury, and filled the boards of treasury and admiralty, might easily have claimed for himself a peerage, without terms. The truth is, that Pulteney delayed accepting the title, until he had obtained the privy seal for the earl of Gower, who was obnoxious to the ministry; while lord Hervey, who held that distinguished office, was supported with all the influence of the king. In fact, he was so mortified by repeated instances of ill treatment, as to meditate a renewal of his opposition. He is even said to have received his new dignity with disgust, and to have trampled the patent of peerage under his feet.

"The second accusation against Pulteney, that for the purpose of screening the minister from public vengeance, he received from the crown a grant of a considerable estate in Piccadilly, is also no less unfounded. For this very accusation had been advanced in 1731, and was then amply refuted by Pulteney himself. He shewed that the estate in question was a family estate of about 1,200*l.* or 1,300*l.* a year, held by a lease of 99 years, from the crown, and that he purchased the perpetuity at a fair price.

"This statement of the transaction does not however solely rest on Pulteney's own assertion; it is confirmed by the act of parliament itself, which passed on the 14th of February, 1720-1, and also from a letter from the duke of Montague to sir Robert Walpole, requesting him to obtain from George the second, the permission of purchasing certain estates in reversion; as a foundation for the grant, he observes, that his late majesty, George the first, had, 'in the 8th year of his reign granted to Mr. Pulteney the inheritance of several lands and tenements in St. James's, in reversion of above 99 years then in being.'

"It is but justice to the memory of Pulteney, who has been so much calumniated for this part of his political conduct, to add his own apology, as given by himself, in a letter, written to bishop Newton. 'In every thing I

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which have been raised against the measures of the government by the low arts of exaggeration, fallacious reasonings, and partial representations. It is not without concern, my lords, that even in this House I observe some inclination to gratify the prejudices of the people, and to confirm them in their contempt of the foreign troops, by the poor artifice of contemptuous language. To dispute about words is indeed seldom useful; and when questions so weighty as these are before us, may be justly censured as improper. I shall therefore only observe, that the term 'Mercenaries,' which is in the motion applied to the forces of Hanover, seems designed rather to affect the passions than influence the reason, and intended only to express a partiality which cannot be justified.

But it is far more necessary, my lords, to consider upon what motives the troops of Hanover were hired, than by what denomination they may most properly be called; and therefore I shall endeavour to explain the reasons which induced the ministry to retain them, and which, I suppose, have prevailed upon the Commons to provide for their support.

It has been asked, why the troops of Hanover were preferred to those of any other nation? And it has been insinuated, that our determination was influenced by motives very different from that regard which every Englishman owes to the interest of his native country. But to this imputation, however specious, and however popular, it may be with great security replied, that there was no preference, because there was no choice; that there was a necessity for hiring troops, and that no other troops were to be obtained; and whoever shall endeavour to invalidate this defence, must engage in an undertaking of which I can boldly affirm, that he will find it very difficult. He must show what power would have been able or willing to have furnished us with troops on this occasion; and I am confident, that whoever shall with this design, take a deliberate survey of the several kingdoms and states of Europe, will find, that there is no other prince to whom we could have applied on this occasion, without greater inconveniencies than can reasonably be feared from the present stipulation with Hanover.

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did, when the change was made, I know I acted honestly, I am sure I acted disinterestedly, and if I did not do what the world may call wisely, it was the fault of a few friends who betrayed me, of the court that meant to weaken me, and of many others who too hastily mistrusted me, and turned their backs upon me. But time (as I always thought it would) has cleared up all these points; and I have the satisfaction to imagine that the king now wishes he had given into my schemes; the friends who betrayed me are sensible of, and sorry for their folly; and they who opposed me, though some of them have since got power into their own hands, are sensible how mean a figure they make with it, and how unequal they are to the posts they have. Certain it is, that no one can be so capable of writing history, as he who has been principally concerned in the great transactions; and if ever it should be necessary to inform the world (which I believe it will not) of the history of the late change, no one can to be sure do it, or at least furnish materials for doing it, so well as myself, for I may truly say, *Pars magna fui;* and I do not apprehend, nor can recollect one single fact, no not one circumstance in the whole affair, that it can be necessary to suppress or disguise. If avarice, ambition, or the desire of power had influenced me, why did I not take (and no one can deny but I might have had) the greatest post in the kingdom? But I contented myself with the honest pride of having subdued the great author of corruption, retired with a peerage, which I had three times at different periods of my life refused; and left the govern-

ment to be conducted by those who had more inclination than I had to be concerned in it. I should have been happy, if I could have united an administration capable of carrying on the government with ability, œconomy, and honour.'

"A friend of Pulteney has also given a full explanation of his conduct, and stated the insuperable difficulties which he had to encounter from the discordant views of that heterogenous opposition, which, with all his influence and abilities, he could not unite in sentiment, though he had succeeded in uniting them for the purpose of forming a consistent plan of attack. Like an opposition in parliament, carried on against an overgrown minister, all sorts of parties and connexions, all sorts of disagreeing and contradictory interests, join against him, at first, as a common enemy, and tolerable unanimity is preserved amongst them, so long as the fate of this parliamentary war continues in suspence. But when once they have driven him to the wall, and think themselves sure of victory, the jealousies and suspicions, which while the contest depended had been stifled, break out; every one who shared in the fatigue, expects to share in the spoils, separate interests counteract each other, separate negociations are set on foot, till at last by untimely and unnecessary division, they lose the fruits of their victory, and the object of the common resentment is able to make terms for himself." Coxe's Memoirs of sir R. Walpole.



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The reason indeed, for which this stipulation was made, appeared so strong, when it was considered in the council, that it was unanimously determined necessary; nor was the conclusion hastily made in an assembly of particular persons, who might be suspected of favouring it from private views, and of being convened on purpose to put it in execution; it was debated by a great number with great solemnity; nor can any man say, that he only yielded to what he found it in vain to oppose; for the consent given was not a tacit acquiescence, but a verbal approbation. So far was this part of our measures from being the advice of any single man, or transacted with that solicitous secrecy which is the usual refuge of bad designs.

It has been asserted likewise, my lords, and with much greater appearance of justice, that this whole design has been formed and conducted without the concurrence or approbation of parliament; and that therefore it can be considered only as a private scheme to be executed at the public expence, as a plan formed by the ministry to aggrandise or ingratiate themselves at the hazard of the nation.

But even this, my lords, is a misrepresentation, though a misrepresentation more artful, and more difficult to defeat; because, in order to the justification of our measures, it is necessary to take a review of past transactions, and to consider what was necessarily implied by former determinations of parliament.

The period, my lords, to which this consideration will necessarily carry us back, is the time at which, after the late tedious war, a peace was, on whatever terms, concluded with France. It is well known, that the confederates demanded, among other advantages, a cession of that part of Flanders which had been for many years in the possession of Spain, and which opened a way by which the ambition of the House of Bourbon might make inroads at pleasure into the dominions of either the Austrians or Dutch. This they were immediately interested in preventing; and as we knew the necessity of preserving the equipoise of power, we likewise were remotely engaged to promote any measures by which it might be secured. In this demand, therefore, all the confederate powers naturally united, and by their united influence enforced compliance. But though it was easy with no great profundity of political knowledge to discover from whom these provinces should be taken away, to whom they should be given was a question of more difficulty; since they might add to the power that had opportunities of improving them, such an increase of commerce and wealth as might defeat the end for which they were demanded, and destroy the balance of power by transferring too much weight into another scale. And mankind has learned, my lords, by experience, that exorbitant power will always produce exorbitant pride; that very few, when they can oppress with security, will be contained within the bounds of equity by the restraints of morality or of religion; and that therefore the only method of establishing a lasting peace is to divide power so equally, that no party may have any certain prospect of advantage by making war upon another.

For this reason, my lords, it was apparently contrary to our interest to grant those provinces to those to whom by their situation they might have been most useful. Such countries, and such manufactures in the hands of a people versed perhaps beyond all others, both in the science and the stratagems of trade, and always watchful to improve every opportunity of increasing their riches, would have enabled them in a short time to purchase an interest in the councils of all the monarchs of the world, to have maintained fleets that might have covered the ocean, and to have obtained that universal dominion to which the French have so long aspired, and which, it is perhaps more for the interest of mankind, that if slavery cannot be prevented, they should obtain, as they would perhaps use their power with more generosity.

The same reason, my lords, naturally made the Dutch unwilling to put these provinces in the hands of Great Britain; for we likewise make a profession of trade, though we do not pursue it with the same ardour, or, to confess the truth, with the same success: it was not however to be imagined, that there would not be found among us some men of sagacity to discern, and of industry to improve the opportunities which the new dominions would have put into our hands of vending our manufactures in parts, where at present they are very little known. Nor was this the only danger to be feared from such an increase of dominion: the Dutch have not yet forgotten, that though we at first rescued them from slavery, patronized the infancy of their state, and continued our

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guardianship, till it was grown up to maturity, and enabled to support itself by its own strength, yet we afterwards made very vigorous attempts to reduce it to its original weakness, and to sink it into pupilage again; that we attempted to invade the most essential part of its rights, and to prescribe the number of ships that it should maintain. They know likewise, my lords, that by the natural rotation of human affairs, the same counsels may in some future reign be again pursued, or that some unavoidable conflict of interest may produce a contest that can be decided only by the sword; and then it may easily be perceived, how much they would be endangered by the neighbourhood of British garrisons, and of countries, where we might maintain numerous armies at a very small expence. It is therefore no subject of wonder, that a nation much less subtle than the Dutch should find out how much it was their interest, that we should be confined within the limits of our own island; and that we should not have it in our power to attack them with armies as well as fleets, and at once to obstruct their commerce and invade their country.

There remained, therefore, my lords, no power but the emperor to whom these provinces could be consigned; and to him, therefore, they were given, but given only in trust for the joint advantage of the whole confederacy; he indeed enjoys their revenues on condition that he shall support the garrisons necessary to their defence: but he cannot transfer them to any other power, or alienate them to the detriment of those nations who concurred in acquiring them.

It may not be improper, my lords, to observe, that on this contract depends the justice of our conduct with regard to the company established at Ostend for carrying on a trade to the East Indies. These provinces were granted to the confederate powers, and consigned to the emperor to be enjoyed by him for the common benefit: it was, therefore, plainly intended by this contract, that he should use none of the advantages which these new dominions afforded him, to the detriment of those powers by whose gift he enjoyed them; nor could it be supposed, that the Dutch and British debarred each other from those opportunities of trade, only to enable the emperor to rival them both.

The towns, therefore, my lords, were at this time determined by parliament to be the general property of all the confederate powers, acquired by their united arms, and to be preserved for their common advantage, as the pledge of peace, and the palladium of Europe. If, therefore, it should at any time happen, that they should be endangered either by the weakness or neglect of any one of those powers, the rest are to exert their right, and endeavour their preservation and security; nor is there any new stipulation or law necessary for this; since with respect to the confederates it is implied in the original stipulation, and with regard to the parliament of Great Britain, in the approbation which was bestowed upon that contract when it was made.

The time, my lords, in which this common right is to be exerted is now arrived; the queen of Hungary, invaded in her hereditary dominions, and pressed on every side by a general combination of almost all the surrounding princes, declares herself no longer able to support the garrisons of the barrier, and informs us, that she intends to recal her troops for the defence of their own country. What then is more apparent, my lords, than that either these towns must fall again into the hands of the French, and that we shall be obliged to recover them, if they can ever be recovered, at the expence of another ten years war, or that either we or the Dutch must send troops to supply the place of those which the necessities of their sovereign oblige her to withdraw.

That the towns of Flanders should be resigned gratuitously to France, that the enemies of mankind should be put in possession of the strongest bulwarks in the world, surrounded by fields and pastures able to maintain their garrisons without expence, will not be proposed by any of this House. But it may easily and naturally be objected, that the Dutch ought to garrison these towns as more nearly interested in their preservation, and more commodiously situated for their defence; nor can it be, indeed, denied, that the Dutch may be justly censured for their neglect, as they appear to leave the common cause to our protection, and to prefer their commerce and their ease to their own safety and the happiness of the world.

This, my lords, has been very warmly asserted in their own assemblies, nor have there been wanting men of spirit and integrity amongst them who have despised the gold and promises, and detected the artifices of France; who have endeavoured by all the arts of argument and persuasion

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to rouse their countrymen to remembrance of their former danger, and to an enquiry into their real interest; who have advised the levy of new forces, and the establishment of a new confederacy; who have called upon the state to face danger while it is yet distant, and to secure their own country by pouring their garrisons into the towns and citadels by which their frontiers are protected.

If their arguments, however just, have not yet attained their end, it is to be imputed to the constitution embarrassed by the combination of different interests, which must be reconciled, before any resolution can be formed; a single town, my lords, can by refusing its consent put a stand to the most necessary designs, and it is easily to be imagined, that by a monarch equally crafty and rich, a single town may sometimes be bribed into measures contrary to the public interest.

But, my lords, the negligence of the Dutch is a motive which ought to incite us to vigour and dispatch; since it is not for the sake of the Dutch but ourselves, that we desire the suppression of France. If the Dutch are at length convinced of the ease of slavery, and think liberty no longer worth the labour of preserving it, if they are tired with the task of labouring for the happiness of others, and have forsaken the stand on which they were placed, as the general watch of the world, to indulge themselves in tranquillity and slumber, let not us, my lords, give way to the same infatuation; let not us look with neglect on the deluge that rolls towards us till it has advanced too far to be resisted. Let us remember, that we are to owe our preservation only to ourselves, and redouble our efforts in proportion as others neglect their duty. Let us show mankind, that we are neither afraid to stand up alone in defence of justice and of freedom, nor unable to maintain the cause that we have undertaken to assert.

But if it should be thought by any of your lordships, that the concurrence of the Dutch is absolutely necessary to a prospect of success, it may be reasonably answered, that by engaging in measures which can leave no doubt of either our power or our sincerity, the concurrence of the Dutch is most likely to be obtained. By this method of proceeding, my lords, was formed the last mighty confederacy, by which the House of Bourbon was almost shaken into ruins. The Dutch then, as now, were slow in their determinations, and perhaps equally diffident of their own strength and our firmness, nor did they agree to declare war against France, till we had transported 10,000 men into Flanders, and convinced them, that we were not inviting them to a mock alliance; but that we really intended the reduction of that empire which had so long extended itself without interruption, and threatened in a short time to swallow up all the western nations.

Thus, my lords, it appears, that the measures which have been pursued are just, politic, and legal; that they have been prescribed by the acts of former parliaments, and therefore cannot be censured as arbitrary; and that they have a tendency to the preservation of those territories which it was once thought so much honour to acquire: and it may be yet farther urged, that though they are to be considered only as the first tendencies to secure greater designs, they have already produced effects apparently to the advantage of the common cause, and have obliged the French to desist from their pursuit of the queen of Hungary, and rather to enquire how they shall return home, than how they shall proceed to farther conquests.

In condemnation of these measures, my lords, it has indeed been urged, that a moderate conduct is always eligible; and that nothing but ruin and confusion can be expected from precipitation and temerity. Moderation, my lords, is a very captivating sound; but, I hope, it will have now no influence on this House; because on this occasion it cannot properly be employed. I have always been taught, that moderation is only useful in forming determinations or designs, but that when once conviction is attained, zeal is to take place; and when a design is planned, it ought to be executed with vigour.

The question is not now, my lords, Whether we shall support the queen of Hungary, but in what manner she shall be supported; and therefore it cannot be doubted, but that such support should be granted her as may be effectual; and I believe it will not be thought, that we can assist her without exerting an uncommon degree of vigour, and showing, that we consider ourselves as engaged in a cause which cannot be abandoned without disgrace and ruin.

If the noble lord had, before he entered upon his encomium on moderation, considered what effects could be promised from his favourite virtue, he would have had no inclination to display his eloquence upon

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it. By moderation, my lords, uninterrupted moderation of more than twenty years, have we become the scorn of mankind, and exposed ourselves to the insults of almost every nation in the world. By moderation have we betrayed our allies, and suffered our friendship to lose all its value: by moderation have we given up commerce to the rapacity of an enemy, formidable only for his perseverance, and suffered our merchants to be ruined, and our sailors to be enslaved. By moderation have we permitted the French to grasp again at general dominion, to over-run Germany with their armies, and to endanger again the liberties of mankind; and by continuing for a very few years the same laudable moderation, we shall probably encourage them to shut up our ships in our harbour, and demand a tribute for the use of the channel.

I need not observe to your lordships, that all the great actions that have in all ages been achieved, have been the effects of resolution, diligence, and daring activity, virtues wholly opposite to the calmness of moderation. I need not observe, that the advantages enjoyed at present by the French are the consequences of that vigour and expedition, by which they are distinguished, and which the form of their government enables them to exert. Had they, my lords, instead of pouring armies into the Austrian dominions, and procuring by the terror of their troops, the election of an emperor, pursued these measures of moderation which have been so pathetically recommended, how easily had their designs been defeated? Had they lost time in persuading the queen of Hungary by a solemn embassy to resign her dominions, or attempted to influence the diet by amicable negociations, armies had been levied, and the passes of Germany had been shut against them; they had been opposed on the frontiers of their own dominions, by troops equally numerous, and warlike with their own, and instead of imposing a sovereign on the empire, had been perhaps pursued into their own country.

But, my lords, whether moderation was not recommended to them by such powerful oratory as your lordships have heard, or whether its advocates met with an audience not easily to be convinced, it is plain, that they seem to have acted upon very different principles, and I wish their policy had not been so strongly justified by its success. By sending an army into Germany, my lords, when there were no forces ready to oppose them, they reduced all the petty princes to immediate submission, and obliged those to welcome them as friends, who would gladly have united against them as the inveterate enemies of the whole German body; and who, had they been firmly joined by their neighbours, under a general sense of their common danger, would have easily raised an army able to have repelled them.

This, my lords, was the effect of vigour, an effect very different from that which we had an opportunity of experiencing as the consequence of moderation; it was to no purpose that we endeavoured to alarm mankind by remonstrances, and to procure assistance by entreaties and solicitations; the universal panic was not to be removed by advice and exhortations, and the queen of Hungary must have sunk under the weight of a general combination against her, had we not at last risen up in her defence, and with our swords in our hands, set an example to the nations of Europe, of courage and generosity.

It then quickly appeared, my lords, how little is to be expected from cold persuasion, and how necessary it is that he who would engage others in a task of difficulty, should show himself willing to partake the labour which he recommends. No sooner had we declared our resolution to fulfil our stipulations, and ordered our troops to march for the relief of the queen of Hungary, than other princes discovered, that they had the same dispositions, though they had hitherto thought it prudent to conceal them; that they equally with ourselves hated and feared the French; that they were desirous to repress their insolence and oppose their conquests, and only waited for the motions of some power who might stand at the head of the confederacy, and lead them forwards against the common enemy.

The liberal promises of dominion made by the French, by which the sovereigns of Germany had been tempted to concur in a design which they thought themselves unable to oppose, were now no longer regarded: they were considered only as the boasts of imaginary greatness, which would at last vanish into air; and every one knew, that the ultimate design of France was to oppress equally her enemies and friends, they wisely despised her offers, and either desisted from the designs to which they had been incited by her, or declared themselves ready to unite against her.

This, my lords, has been the consequence of assembling the army, which by

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the motion now under our consideration some of your lordships seem desirous to disband, an inclination of which I cannot discover from whence it can arise. For what, my lords, must be the consequence, if this motion should be complied with? What but the total destruction of the whole system of power which has been so laboriously formed, and so strongly compacted? What but the immediate ruin of the House of Austria, by which French ambition has been so long restrained? What but the subversion of the liberties of Germany, and the erection of an universal empire, to which all the nations of the earth must become vassals?

Should the auxiliary troops be disbanded, the queen of Hungary would find what benefit she has received from them by the calamities which the loss of them would immediately bring upon her. All the claims of all the neighbouring princes, who are now awed into peace and silence, would be revived, and every one would again believe, that nothing was to be hoped or feared but from France. The French would again rush forward to new invasions, and spread desolation over other countries, and the House of Austria would be more weakened than by the loss of many battles in its present state.

The support of the House of Austria appears not, indeed, much to engage the attention of those by whom this motion is supported. It has been represented as a House equally ambitious and perfidious with that of Bourbon, and equally an enemy both to liberty and to true religion; and a very celebrated author (Puffendorf) has been quoted to prove, that it is the interest of the Germans themselves to see a prince at their head, whose hereditary dominions may not incite him to exert the imperial power to the disadvantage of the inferior sovereigns.

In order to the consideration of these objections, it is necessary to observe, my lords, that national alliances are not like leagues of friendship, the consequences of an agreement of disposition, opinions, and affections, but like associations of commerce formed and continued by no similitude of any thing but interest. It is not therefore necessary to enquire what the House of Austria has deserved from us or from mankind; because interest, not gratitude, engages us to support it. It is useless to urge, that it is equally faithless and cruel with the House of Bourbon, because the question is not, whether both shall be destroyed, but whether one should rage without controul. It is sufficient for us that their interest is opposite, and that religion and liberty may be preserved by their mutual jealousy. And I confess, my lords, that were the Austrians about to attain unlimited power by the conquest or inheritance of France and Spain, it would be no less proper to form confederacies against them.

The testimony which has been produced of the convenience of a weak emperor, is to be considered, my lords, as the opinion of an author whose birth and employment had tainted him with an inveterate hatred of the House of Austria, and filled his imagination with an habitual dread of the imperial power. He was born, my lords, in Sweden, a country which had suffered much by a long war against the emperor; he was a minister to the electors of Brandenburgh, who naturally looked with envy on the superiority of Austria, and could not but wish to see a weaker prince upon the imperial throne, that their own influence might be greater; nor can we wonder, that a man thus born and thus supported should adopt an opinion, by which the pride of his master would be flattered, and perhaps the interest of his own country promoted.

It is likewise, my lords, to be remarked, that there was then no such necessity for a powerful prince to stand at the head of the Germans, and to defend them with his own forces till they could unite for their own preservation. The power of France had not then arrived at its present height, nor had their monarchs openly threatened to enslave all the nations of Europe. The princes of the empire had then no oppression to fear, but from the emperor; and it was no wonder, that when he was their only enemy, they wished that his power was reduced.

How much the state of the continent is now changed, is not necessary to mention, nor what alteration that change has introduced into the politics of all nations; those who formerly dreaded to be overwhelmed by the imperial greatness, can now only hope to be secured by it from the torrent of the power of France; and even those nations who have formerly endeavoured the destruction of Austria, may now rejoice, that they are sheltered by its interposition from tyrants more active and more oppressive.

But, my lords, though it should be granted, that the House of Austria ought not to be supported, it will not, in my opinion, follow, that this motion deserves

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our approbation; because it will reduce us to a state of imbecility, and condemn us to stand as passive spectators of the disturbances of the world, without power and without influence, ready to admit the tyrant to whom chance shall allot us, and receive those laws which the prevailing power shall vouchsafe to transmit.

Whether we ought to support the House of Austria, to prevent its utter subversion, or restore it to its former greatness, whatever may be my private opinion, I think it not on this occasion necessary to assert; it is sufficient to induce us to reject this motion, that we ought to be at least in a condition that may enable us to improve those opportunities that may be offered, and to hinder the execution of any design that may threaten immediate danger to our commerce or our liberty.

Another popular topic, my lords, which has been echoed on the present occasion, is the happiness of peace, and the blessing of uninterrupted commerce and undisturbed security. We are perpetually told of the hazards of war, whatever may be the superiority of our skill or courage, or the certainty of the expences, the bloodshed, and the hardships, and doubtfulness of the advantages which we may hope from them; and it is daily urged with great vehemence, that peace upon the hardest conditions is preferable to the honour of conquests, and the festivity of triumphs.

These maxims, my lords, which are generally true in the sense which their authors intended, may be very properly urged against the wild designs of ambition, and the romantic undertakings of wanton greatness; but have no place in the present enquiry, which relates to a war not made by caprice, but forced upon us by necessity; a war to which all the encomiums on peace must in reality incite, because peace alone is the end intended to be obtained by it.

Of the necessity of peace to a trading nation it is not possible, my lords, to be ignorant; and therefore no man can be imagined to propose a state of war as eligible in itself. War, my lords, is in my opinion only to be chosen, when peace can be no longer enjoyed, and to be continued only till a peace secure and equitable can be obtained. In the present state of the world, my lords, we fight not for laurels, nor conquests, but for existence. Should the arms of France prevail, and prevail they must unless we oppose them, Great Britain may in a short time no longer be a nation, our liberties will be taken away, our constitution destroyed, our religion persecuted, and perhaps our name abolished.

For the prevention of calamities like these, not for the preservation of the House of Austria, it is necessary, my lords, to collect an army; for by an army only can our liberties be preserved, and such a peace obtained, as may be enjoyed without the imputation of supineness and stupidity.

Of this the other House appears to be sufficiently convinced, and has therefore granted money for the support of the auxiliary troops; nor do I doubt but your lordships will concur with them, when you shall fully consider the motives upon which they may be supposed to have proceeded, and reflect, that by dismissing those troops, we shall sacrifice to the ambition of France, the House of Austria, the liberties of Europe, our own happiness, and that of our posterity; and that by resolving to exert our forces for a short time, we may place the happiness of mankind beyond the reach of attacks and violation.

The Earl of *Chesterfield*:*

My lords; the considerations which were laid before you by the noble lords who made and seconded the motion, are so important in themselves, and have been urged with so much force and judgment, that I shall not endeavour to add any new arguments; since where those fail which have been already offered, it is not likely that any will be effectual: but I shall endeavour to preserve them in their full force by removing the objections which have been made to them.

The first consideration that claims our attention is the reverence due to parliament, to the great council of the nation, which ought always to be consulted, when any important design is formed, or any new measures adopted, especially if they are such as cannot be defeated by being made public, and such as an uncommon degree of expence is necessary to support.

These principles, my lords, which I suppose no man will contest, have been so little regarded by the ministry on the present occasion, that they seem to have endeavoured to discover by a bold experiment, to what degree of servility parliaments may be reduced, and what insults

* In the Collection of Dr. Johnson's Debates, this Speech is erroneously attributed to lord Carteret.

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they will be taught to bear without resentment; for they have, without the least previous hint of their design, made a contract for a very numerous body of mercenaries, nor did they condescend to inform parliament, till they asked for money to pay them.

To execute measures first, and then to require the approbation of parliament, instead of advice, is surely such a degree of contempt as has not often been shown in the most arbitrary reigns, and such as would once have provoked such indignation in the other House, that there would have been no need in this of a motion like the present.

But, my lords, in proportion as the other House seems inclined to pay an implicit submission to the dictates of the ministry, it is our duty to increase our vigilance, and to convince our fellow-subjects, by a steady opposition to all encroachments, that we are not, as we have been sometimes styled, an useless assembly, but the last resort of liberty, and the chief support of the constitution.

The present design of those, who have thus dared to trample upon our privileges, appears to be nothing less than that of reducing the parliaments of Great Britain to the same abject slavery with those of France; to show the people that we are to be considered only as their agents to raise the supplies which they shall be pleased, under whatever pretences, to demand, and to register such determinations as they shall condescend to lay before us.

This invasion of our rights, my lords, is too flagrant to be borne, though were the measures which we are thus tyrannically required to support, really conducive in themselves to the interest of Great Britain, which indeed might reasonably have been expected; for what head can be imagined so ill-formed for politics as not to know, that the first acts of arbitrary power ought to be in themselves popular, that the advantage of the effect may be a balance to the means by which it is produced.

But these wonderful politicians, my lords, have heaped one blunder upon another; they have disgusted the nation both by the means and the end: and have insulted parliament with no other view than that of plundering the people. They have ventured without the consent of parliament to pursue measures, of which it is obvious that they were only kept secret, because they easily foresaw that they would not be approved.

For that the hire of mercenaries from Hanover, my lords, would have been rejected with general indignation; that the proposal would have produced hisses rather than censures; and that the arguments which have been hitherto used to support it, would, if personal regards did not make them of some importance, produce laughter oftener than replies, cannot surely be doubted.

It has been said in vindication of this wise scheme, that no other troops could be obtained but those of Hanover; an assertion which I hope I may be allowed to examine, because it is yet a bare assertion without argument, and against probability; since it is generally known, how willingly the princes of Germany have on all former occasions sent out their subjects to destruction, that they might fill their coffers with their pay; nor do I doubt, but that there is now in the same country the usual superabundance of men, and the usual scarcity of money. I make no question, my lords, that many a German prince would gladly furnish us with men as a very cheap commodity, and think himself sufficiently rewarded by a small subsidy. There could be no objection to these troops from the constitution of the empire, which is not of equal force against the forces of Hanover; nor do I know why they should not rather have been employed, if they could have been obtained at a cheaper price.

The absurdity of paying levy-money for troops regularly kept up, and of hiring them at a higher rate than was ever paid for auxiliaries before, has been so strongly urged and so fully explained, that no reply has been attempted by those who have hitherto opposed the motion, having rather endeavoured to divert our attention to foreign considerations, than to vindicate this part of the contract, which is indeed too shameful to be palliated, and too gross to be overlooked.

It is however proper to repeat, my lords, that though it cannot be confuted, it may be forgotten in the multitude of other objects, that this nation, after having exalted the elector of Hanover from a state of obscurity to the crown, is condemned to hire the troops of Hanover to fight their own cause, to hire them at a rate which was never demanded for them before, and to pay levy-money for them, though it is known to all Europe, that they were not raised on this occasion.

Nor is this the only hardship or folly of

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this contract; for we are to pay them a month before they march into our service; we are to pay those for doing nothing, of whom it might have been, without any unreasonable expectations, hoped, that they would have exerted their utmost force without pay.

For it is apparent, my lords, that if the designs of France be such as the noble lords who oppose the motion represent them, Hanover is much nearer to danger than Great Britain; and therefore they only fight for their own preservation; since, though they have for a single year been blessed with a neutrality, it cannot be imagined, that the same favour will be always granted them, or that the French, when they have overrun all the rest of Germany, will not annex Hanover to their other dominions.

Besides, my lords, it is well known, that Hanover is equally engaged by treaty with Great Britain to maintain the Pragmatic Sanction, and that a certain proportion of troops are to be furnished. But, my lords, as to the march of that body of forces, I have yet heard no account. Will any noble lord say that they have marched? I therefore suppose, that the wisdom and justice of our ministers has comprehended them in the 16,000 who are to fatten upon British pay, and that Hanover will support the Pragmatic Sanction at the cost of this inexhaustible nation.

The service which those troops have already done to the common cause, has been urged with great pomp of exaggeration, of which what effect it may have had upon others, I am not able to say: for my part I am convinced, that the great happiness of this kingdom is the security of the established succession; and am therefore always of opinion, that no measures can serve the common cause, the cause of liberty, or of religion, or of general happiness, by which the royal family loses the affections of the people. And I can with great confidence affirm, that no attempt for many years has raised a greater heat of resentment, or excited louder clamours of indignation, than the hire of Hanoverian troops; nor is this discontent raised only by artful misrepresentations, formed to inflame the passions and perplex the understanding; it is a settled and rational dislike, which every day contributes to confirm, which will make all the measures of the government suspected, and may in time, if not obviated, break out in sedition.

A jealousy of Hanover has indeed for a long time prevailed in the nation: the frequent visits of our kings to their electoral dominions, contrary to the original terms on which this crown was conferred upon them, have inclined the people of England to suspect, that they have only the second place in the affection of their sovereign; nor has this suspicion been made less by the large accessions made to those dominions by purchases, which the electors never appeared able to make before their exaltation to the throne of Great Britain, and by some measures which have been apparently taken only to aggrandize Hanover at the expence of Great Britain.

These measures, my lords, I am very far from imputing to our sovereign or his father; the wisdom of both is so well known, that they cannot be imagined to have incurred, either by contempt or negligence, the disaffection of their subjects. Those, my lords, are only to be blamed, who concealed from them the sentiments of the nation, and for the sake of promoting their own interest, betrayed them, by the most detestable and pernicious flattery, into measures which could produce no other effect than that of making their reign unquiet, and of exasperating those who had concurred with the warmest zeal in supporting them on the throne.

It is not without an uncommon degree of grief, that I hear it urged in defence of this contract, that it was approved by a very numerous council; for what can produce more sorrow in an honest and a loyal breast, than to find that our sovereign is surrounded by counsellors, who either do not know the desires and opinions of the people, or do not regard them; who are either so negligent as not to examine how the affections of the nation may be best preserved, or so rash as to pursue those schemes by which they hope to gratify the king at whatever hazard, and who for the sake of flattering him for a day, will risk the safety of his government, and the repose of his life.

It has with regard to these troops been asked by the noble lord who spoke last, what is the intent of this motion but to disband them? What else indeed can be intended by it, and what intention can be more worthy of this House? By a steady pursuit of this intention, my lords, we shall regain the esteem of the nation, which this daring invasion of our privileges may be easily supposed to have impaired. We shall give our sovereign an opportunity, by a gracious condescension to our desires,



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to recover those affections of which the pernicious advice of flatterers has deprived him; we shall obviate a precedent which threatens destruction to our liberties, and shall set the nation free from an universal alarm. Nor in our present state is it to be mentioned as a trifling consideration, that we shall hinder the wealth of the nation from being ravished from our merchants, our farmers, and our manufacturers, to be squandered upon foreigners; and foreigners, from whom we can hope for no advantage.

But it may be asked, my lords, how the great cause of liberty is to be supported, how the House of Austria is to be preserved from ruin, and how the ambition of France is to be repressed? How all this is to be effected, my lords, I am very far from conceiving myself qualified to determine; but surely it will be very little hindered by the dismission of troops, whose allegiance obliges them not to fight against the emperor, and of whom, therefore, it does not easily appear how they can be very useful allies to the queen of Hungary.

But whatever service is expected from them, it may surely, my lords, be performed by the same number of British troops, and that that number may be sent to supply their place, without either delay or difficulty, I will venture to say without any hazard. If it be objected, as it has often been, that by sending out our troops, we shall leave our country naked to invasion, I hope I may be allowed to ask, who will invade us? The French are well known to be the only people whom we can suspect of any such design. They have no fleet on this side of their kingdom, and their ships in the Mediterranean are blocked up in the harbour by the navies of Great Britain. We shall still have at home a body of 7,000 men, which was thought a sufficient security in the late war, when the French had a fleet equal to our own. Why we should now be in more danger from without, I cannot discover; and with regard to intestine commotions, they will be prevented by compliance with the present motion. For nothing can incite the people of Great Britain to oppose those who have openly dismissed the troops of Hanover.—But I am not yet at all convinced, that the end for which those troops are said to be hired, ought to be pursued, or can be attained by us; and if the end be in itself improper or impossible, it certainly follows, that the means ought to be laid aside.

If we consider the present state of the continent, we shall find no prospect by which we can be encouraged to hazard our forces or our money. The king of Sardinia has indeed declared for us, and opposed the passage of the Spaniards; but he appears either to be deficient in courage, or in prudence, or in force; for instead of giving battle on his frontiers, he has suffered them, with very little resistance, to invade his territories, to plunder and insult his subjects, and to live at his expence; and it may be suspected, that if he cannot drive them out of his country, he will in time be content to purchase their departure, by granting them a passage through it, and rather give up the dominions of his ally to be ravaged, than preserve them at the expence of his own.

If we turn our eyes towards the Dutch, we shall not be more encouraged to engage in the wars on the continent; for whatever has been asserted of their readiness to proceed in conjunction with us, they appear hitherto to behold, with the most supine tranquillity, the subversion of the German system, and to be satisfied with an undisturbed enjoyment of their riches and their trade. Nor is there any appearance, my lords, that their concurrence is withheld only by a single town, as has been insinuated; for the vote of any single town, except Amsterdam, may be overruled, and the resolution has passed the necessary form, when it is opposed by only one voice.

If we take a view, my lords, of their late conduct, without suffering our desires to mislead our understandings, we shall find no reason for imagining, that they propose any sudden alteration of their conduct, which has been hitherto consistent and steady, and appears to arise from established principles, which nothing has lately happened to incline them to forsake.

When they were solicited to become, like us, the guarantees of Hanover, they made no scruple of returning, with whatever unpoliteness, an absolute refusal; nor could they be prevailed upon to grant, what we appear to think that we were honoured in being admitted to bestow. When they were called upon to fulfil their stipulation, and support the Pragmatic Sanction, they evaded their own contract, till all assistance would have been too late, had not a lucky discovery of the French perfidy separated the king of Prussia from them; and what reason, my lords, can be

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given, why they should now do what they refused, when it might have been much more safely and more easily effected? Did they suffer the queen of Hungary to be oppressed, only to show their own power and affluence by relieving her? Or can it be imagined, that pity has prevailed over policy or cowardice? They, who in contempt of their own treaties refused to engage in a cause while it was yet doubtful, will certainly think themselves justified in abandoning it when it is lost, and will urge, that no treaty can oblige them to act like madmen, or to undertake impossibilities.

I am therefore convinced, my lords, that they will not enter into an offensive treaty, and that they have only engaged to do what their own interest required from them, without any new stipulation, to preserve their own country from invasion by sending garrisons into the frontier towns, which they may do without any offence to France, or any interruption of their own tranquillity.

Many other treaties have been mentioned, my lords, and mentioned with great ostentation, as the effects of consummate policy, which will, I suspect, appear to be at least only defensive treaties, by which the contracting powers promise little more than to take care of themselves.

In this state of the world, my lords, when all the powers of the continent appear benumbed by a lethargy, or shackled by a panic, to what purpose should we lavish, in hiring and transporting troops, that wealth which contests of nearer importance immediately require?

It is well known to our merchants, whose ships are every day seized by privateers, that we are at war with Spain, and that our commerce is every day impaired by the depredations of an enemy, whom only our own negligence enables to resist us; but I doubt, my lords, whether it is known in Spain, that their monarch is at war with Great Britain, otherwise than by the riches of our nation, which are distributed among their privateers, and the prisoners who in the towns on the coast are wandering in the streets. For I know no inconvenience which they can be supposed to feel from our hostilities, nor in what part of the world the war against them is carried on. Before the war was declared, it is well remembered by whom, and with how great vehemence, it was every day repeated, that to end the war with honour we ought to 'take and hold.' What, my lords, do we 'hold,' or what have we 'taken?' What has the war produced in its whole course from one year to another, but defeats, losses, and ignominy? And how shall we regain our honour, or retrieve our wealth, by engaging in another war more dangerous but less necessary? We ought surely to humble Spain, before we presume to attack France; and we may attack France with better prospects of success, when we have no other enemy to divert our attention, or divide our forces.

That we ought indeed to make any attempt upon France, I am far from being convinced, because I do not now discover, that any of the motives subsist which engaged us in the last confederacy. The House of Austria, though overborne and distressed, was then powerful in itself, and possessed of the imperial crown. It is now reduced almost below the hopes of recovery, and we are therefore now to restore what we were then only to support. But what, my lords, is in my opinion much more to be considered, the nation was then unanimous in one general resolution to repress the insolence of France; no hardships were insupportable that conduced to this great end, nor any taxes grievous that were applied to the support of the war. The account of a victory was esteemed as an equivalent to excises and to public debts; and the possessions of us and our posterity were cheerfully mortgaged to purchase a triumph over the common enemy. But, my lords, the disposition of the nation with regard to the present war is very different. They discover no danger threatening them, they are neither invaded in their possessions by the armies, nor interrupted in their commerce by the fleets of France; and therefore they are not able to find out why they must be sacrificed to an enemy, by whom they have been long pursued with the most implacable hatred, for the sake of attacking a power from which they have hitherto felt no injury, and which they believe cannot be provoked without danger, nor opposed without such a profusion of expence as the public is at present not able to bear.

It is not to be supposed, my lords, that the bulk of the British people are affected with the distresses, or inflamed by the magnanimity of the queen of Hungary. This illustrious daughter of Austria, whose name has been so often echoed in these walls, and of whom I am far from denying,

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that she deserves our admiration, our compassion, and all the assistance which can be given her, consistently with the regard due to the safety of our own country, is to the greatest part of the people an imaginary princess, whose sufferings or whose virtues make no other impression upon them, than those which are recorded in fictitious narratives; nor can they easily be persuaded to give up for her relief the produce of their lands, or the profits of their commerce.

Some indeed there are, my lords, whose views are more extensive, and whose sentiments are more exalted; for it is not to be supposed, that either knowledge or generosity are confined to the parliament or the court: but these, my lords, though they perhaps may more readily approve the end which the ministry pretends to pursue, are less satisfied with the means by which they endeavour to attain it. By these men it is easily discovered, that the hopes which some so confidently express of prevailing upon the Dutch to unite with us for the support of the Pragmatic Sanction, are without foundation; they see that their consent to place garrisons in the frontier towns, however it may furnish a subject of exultation to those whose interest it is to represent them as ready to concur with us, is only a new proof of what was never doubted, their unvariable attention to their own interest, since they must for their own security preserve their own barrier from being seized by France. By this act they incur no new expence, they provoke no enemies, nor give any assistance to the queen of Hungary, by which they can raise either resentment in one part, or gratitude in the other; and therefore it is not hard to perceive that, whatever is pretended, the Dutch hitherto observe the most exact laws of neutrality; and it is too evident, that if they refuse their assistance, we have very little to hope from a war with France.

Nor is this the only objection against the present measures; for it is generally, and not without sufficient reason, suspected, that the real assistance of the queen of Hungary is not intended, since the troops which have been hired under that pretence, are such as cannot march against the emperor. It is known, that the Hessians have absolutely refused to infringe the constitution of the German body, by attacking him who is by a legal grant acknowledged its head; nor is it easy to conceive, why there should be a different law for Hanover, than for the other electorates.

The long stay of the troops in Flanders, a place where there is no enemy to encounter, nor ally to assist, is a sufficient proof that there is nothing more designed than that the troops of Hanover shall loiter on the verge of war, and receive their pay for feasting in their quarters, and showing their arms at a review; and that they in reality design nothing but to return home with full pockets, and enjoy the spoils of Great Britain.

There may indeed be another reason, my lords, which hinders the progress of the united forces, and by which the English and Hanoverians may be both affected, though not both in the same degree. It is by no means unlikely, that the king of Prussia has forbidden them to advance, and declared, that the emperor who was chosen by his suffrage shall be supported by his arms; if this be his resolution, he is well known to want neither spirit nor strength to avow and support it, and there are reasons sufficient to convince us, that he has declared it, and that our troops are now patiently waiting the event of a negociation by which we are endeavouring to persuade him to alter his design, if indeed it be desired that he should alter it; for it is not certain, that the elector of Hanover can desire the restoration of the House of Austria to an hereditary enjoyment of the imperial dignity; nor can it easily be shown why the politics of one House should differ from those of all the other princes of the German empire.

The other princes, my lords, have long wished for an emperor with whom they might treat upon the level: an emperor who might owe his dignity only to their votes, and who therefore would be willing to favour them in gratitude for the benefit. They know, that the princes of the House of Austria considered their advancement to the empire as the consequence of their numerous forces and large dominions, and made use of their exaltation only to tyrannize under the appearance of legal right, and to oppress those as sovereigns, whom they would otherwise have harassed as conquerors.

Before we can therefore hope for the concurrence of the princes of the empire, we must inform them of our design, if any design has been yet laid out. Is it your intention to restore the House of Austria to the full enjoyment of its former greatness? This will certainly be openly op-

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posed by all those powers who are strong enough to make head against it, and secretly obstructed by those, whose weakness makes them afraid of public declarations. Do you intend to support the Pragmatic Sanction? This can only be done by defeating the whole power of France; and for this you must necessarily provide troops who shall dare to act against the present emperor. So that it appears, my lords, that we are attempting nothing, or attempting impossibilities; that either we have no end in view, or that we have made use of an absurd choice of means by which it cannot be attained.

Whatever be our design with regard to Germany, the war against Spain is evidently neglected; and indeed one part of our conduct proves at once, that we intend neither to assist the Austrians, nor to punish the Spaniards; since we have in a great measure disabled ourselves from either by the neutrality which captain Martin is said to have granted, and by which we have allowed an asylum both to the troops of Spain, which shall fly before the Austrians, and the privateers which shall be chased by our ships in the Mediterranean.

I am therefore convinced, my lords, that our designs are not such as they are represented, or that they will not be accomplished by the measures taken. I am convinced in a particular manner, that the troops of Hanover can be of no use, and that they will raise the resentment of the nation already overwhelmed with unnecessary burthens. I know likewise, that they have been taken into pay without the consent of parliament, and am convinced, that if no other objection could be raised, we ought not to ratify a treaty which the crown has made, without laying it before us in the usual manner. I need not therefore inform your lordships, that I think the motion now under your consideration necessary and just; and that I hope, upon an attentive examination of the reasons which have been offered, your lordships will concur in it with that unanimity which evidence ought to enforce, and that zeal which ought to be excited by public danger.

The Duke of *Newcastle:*

My lords; I know not by what imaginary appearances of public danger the noble lord is so much alarmed, nor what fears they are which he endeavours with so much art and zeal to communicate to this assembly. For my part, I can, upon the most attentive survey of our affairs, discover nothing to be feared but calumnies and misrepresentations; and these I shall henceforward think more formidable, since they have been able to impose upon an understanding so penetrating as that of his lordship, and have prevailed upon him to believe what is not only false, but without the appearance of truth, and to believe it so firmly, as to assert it to your lordships.

One of the facts which he has thus implicitly received, and thus publicly mentioned, is the neutrality supposed to have been granted to the king of Sicily, from which he has amused himself and your lordships with deducing very destructive consequences, that perhaps need not to be allowed him even upon supposition of the neutrality; but which need not now be disputed, because no neutrality has been granted. Captain Martin, when he treated with the king, very cautiously declined any declarations of the intentions of the British court on that particular, and confined himself to the subject of his message, without giving any reason for hope, or despair, of a neutrality. So that if it shall be thought necessary, we are at this hour at liberty to declare war against the king of Sicily, and may pursue the Spaniards with the same freedom on his coasts as on those of any other power, and prohibit any assistance from being given by him to their armies in Italy.

His lordship's notion of the interposition of the king of Prussia in the emperor's favour, is another phantom raised by calumny to terrify credulity; a phantom which will, I hope, be entirely dissipated, when I have informed the House, that the whole suspicion is without foundation, and that the king of Prussia has made no declaration of any design to support the emperor, or of opposing us in the performance of our treaties. This prince, my lords, however powerful, active, or ambitious, appears to be satisfied with his acquisitions, and willing to rest in an inoffensive neutrality.

Such, my lords, and so remote from truth are the representations which the enemies of the government have with great zeal and industry scattered over the nation, and by which they have endeavoured to obviate those schemes which they would seem to favour; for by sinking the nation to a despair of attaining those ends which they declare at the same

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time necessary not only to our happiness, but to our preservation, what do they less than tell us, that we must be content to look unactive on the calamities that approach us, and prepare to be crushed by that ruin which we cannot prevent.

From this cold dejection, my lords, arises that despair which so many lords have expressed of prevailing upon the Dutch to unite with us. The determinations of that people are indeed always slow, and the reason of their slowness has been already given; but I am informed that the general spirit which now reigns among them, is likely soon to over-rule the particular interests of single provinces, and can produce letters by which it will appear, that had only one town opposed those measures to which their concurrence is now solicited, it had been long since over-ruled; for there want not among them men equally enamoured of the magnanimity and firmness of the queen of Hungary, equally zealous for the general good of mankind, equally zealous for the liberties of Europe, and equally convinced of the perfidy, the ambition, and the insolence of France, with any lord in this assembly.

These men, my lords, have long endeavoured to rouse their country from the sloth of avarice, and the slumber of tranquillity, to a generous and extensive regard for the universal happiness of mankind; and are now labouring in the general assembly to communicate that ardour with which they are themselves inflamed, and to excite that zeal for public faith, of which their superior knowledge shows them the necessity.

It has been indeed insinuated, that all their consultations tend only to place garrisons in those towns from which the queen of Hungary has withdrawn her forces; but this supposition, my lords, as it is without any support from facts, is likewise without probability. For to garrison the barrier towns, requires no previous debates nor deliberations; since it never was opposed even by those by whom the assistance of the queen of Hungary has been most retarded. Nor have even the deputies of Dort, whose obstinacy has been most remarkable, denied the necessity of securing the confines of their country, by possessing with their own troops those places which the Austrians are obliged to forsake. Their present disputes, my lords, must be therefore on some other question; and what question can be now before them which can produce any difficulties, but that which regards the support of the Pragmatic Sanction.

If these deliberations should be so far influenced by the arrival of the army in the pay of Great Britain, as to end in a resolution to send a sufficient number of forces into Germany, it will not be denied, that the troops which give occasion for this debate, have really been useful to the common cause; nor will his majesty lose the affections of any of his subjects, by the false accounts which have been spread of an invidious preference given to the troops of Hanover.

That every government ought to endeavour to gain the esteem and confidence of the people, I suppose we are all equally convinced; but I, for my part, am very far from thinking that measures ought only to be pursued or rejected, as they are immediately favoured or disliked by the populace. For as they cannot know either the causes or the end of public transactions, they can judge only from fallacious appearances, or the information of those whose interest it may perhaps be to lead them away from the truth. That monarch will be certainly and most permanently popular, who steadily pursues the good of his people, even in opposition to their own prejudices and clamours; who disregards calumnies, which, though they may prevail for a day, time will sufficiently confute, and slights objections which he knows may be answered, and answered beyond reply.

Such, my lords, are the objections which have been hitherto raised against the troops of Hanover, of which many arise from ignorance, and many from prejudice; and some may be supposed to be made only for the sake of giving way to invectives, and indulging a petulant inclination of speaking contemptuously of Hanover.

With this view, my lords, it has been asked, why the Hanoverians are preferred to all other nations? Why they have been selected from all other troops to fight against France the cause of Europe? They were chosen, my lords, because they were most easily to be procured. Of the other nations from whom forces have usually been hired, some were engaged in the care of protecting, or the design of extending their own dominions, and others had no troops levied, nor could therefore furnish them with speed enough for the exigence that demanded them.

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It has been asked with an air of triumph, as a question to which no answer could be given, why an equal number of Englishmen was not sent, since their valour might be esteemed at least equal to that of Hanoverians? I am far, my lords, from intending to diminish the reputation of British courage, or detract from that praise which has been gained by such gallant enterprises, and preserved by a long succession of dangers, and of victories; nor do I expect that any nation will ever form a just claim to superiority. The reason, therefore, my lords, for which the troops of Hanover were hired, was not that the bravery of our countrymen was doubted, but that the transportation of such numbers might leave us naked to the insults of an enemy. For though the noble lord has declared, that after having sent 16,000 into Flanders, we should still have reserved for our defence a body of 7,000, equal to that to which the protection of this kingdom was intrusted in the late war, his opinion will upon examination be found to have arisen only from the enumeration of the names of our regiments, many of which are far from being complete, and some almost merely nominal; so that perhaps if a body of 16,000 more had been sent, there would not have remained a single regiment to have repelled the crew of any daring privateer that should have landed to burn our villages, and ravage the defenceless country.

It was desired, my lords, by the queen of Hungary, that a British army might appear on the continent in her favour, for she knew the reputation and terror of our arms; and as her demand was equitable in itself, and honourable to the nation, it was complied with; and as many of our native troops were sent, as it was thought convenient to spare, the rest were necessarily to be hired; and it is the business of those lords who defend the motion, to show from whence they could be called more properly than from Hanover.

It has been urged with great warmth, that the contract made for these troops has not been laid before parliament, a charge which the noble lord who spoke last but one, has shown to be ill-grounded; because the former determinations of parliament enabled the crown to garrison the frontier towns without any new deliberations, but which may be perhaps more satisfactorily confuted by showing, that it is an accusation of neglecting that which was in reality not possible to be performed, or which at least could not be performed without subjecting the government to imputations yet more dangerous than those which it now suffers.

The accounts, my lords, by which the ministry were determined to send the army into Flanders, arrived only fifteen days before the recess of parliament; nor was the resolution formed, as it may easily be imagined, till several days after; so that there was very little time for parliamentary deliberations, nor was it perhaps convenient to publish at that time the whole scheme of our designs.

But let us suppose, my lords, that parliament had a few days before they rose been consulted, and that a vote of credit had been required to enable the crown to hire forces during the interval of the session, what would those by whom this motion is supported have urged against it? Would they not with great appearance of reason have alleged the impropriety of such an application to the thin remains of a parliament, from which almost all those had retired whom their employments did not retain in the neighbourhood of the court? Would it not have been echoed from one corner of these kingdoms to another, that the ministry had betrayed their country by a contract which they durst not lay before a full parliament, and of which they would trust the examination only to those whom they had hired to approve it? Would not this have been generally asserted, and generally believed? Would not those who distinguished themselves as the opponents of the court, have urged, that the king ought to exert his prerogative, and trust the equity of parliament for the approbation of his measures, and the payment of the troops which he had retained for the support of the common cause, the cause for which so much zeal had been expressed, and for which it could not with justice be suspected, that any reasonable demands would be denied? Would not the solicitation of a grant of power without limits, to be exerted wholly at the discretion of the ministry, be censured as a precedent of the utmost danger, which it was the business of every man to oppose, who had not lost all regard to the constitution of his country?

These insinuations, my lords, were foreseen and allowed by the ministry to be specious, and therefore they determined to avoid them by pursuing their schemes at their own hazard, without any other security than the consciousness of the rectitude



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of their own design; and to trust to the equity of parliament when they should be laid before them, at a time when part of their effects might be discovered, and when therefore no false representations could be used to mislead their judgment. They knew the zeal of the Commons for the great cause of universal liberty; they knew that their measures had no other tendency than the promotion of that cause, and therefore they confidently formed those expectations which have not deceived them, that the pay of the troops would be readily granted, and ordered them therefore to march; though if the Commons had disapproved their plan, they must have returned into their own country, or have been supported at the expence of the electorate.

The objections raised against these troops, have apparently had no influence in the other House, because supplies have been granted for their pay; and I believe they will, upon examination, be found by your lordships not to deserve much regard.

It is asserted, that they cannot act against the emperor established and acknowledged by the diet, without subjecting their country to an interdict; and it was therefore suspected, that they would in reality be of no use. This suspicion, my lords, I suppose it is now not necessary to censure, since you have heard from his majesty, that they are preparing to march; and as the consequences of their conduct can only affect the electorate, its propriety or legality with regard to the constitution of the empire, falls not properly under our consideration.

How his majesty's measures may be defended, even in this view, I suppose I need not inform any lord of this House. It is well known, that the emperor was chosen not by the free consent of the diet, in which every elector voted according to his own sense, but by a diet in which one vote of the empire was suspended without any regard to law or justice, and in which the rest were extorted by a French army, which threatened immediate ruin to him who should refuse his consent. The emperor thus chosen, was likewise afterwards recognized by the same powers, upon the same motives, and the aid was granted as the votes were given, by the influence of the armies of France.

For this reason, my lords, the queen of Hungary still refuses to give the elector of Bavaria the style and honours which belong to the imperial dignity; she considers the throne as still vacant, and requires that it should be filled by an uninfluenced election.

It has been observed, my lords, that his majesty gave his vote to the elector of Bavaria; and it has been therefore represented as an inconsistency in his conduct, that he should make war against him. But, my lords, it will by no means follow, that because he voted for him, he thinks him lawfully elected, nor that it is unjust to dispossess him; though it is to be observed, that we are not making war to dethrone the emperor, however elected, but to support the Pragmatic Sanction.

This observation, though somewhat foreign from the present debate, I have thought it not improper to lay before your lordships, that no scruples might remain in the most delicate and scrupulous, and to show that the measures of his majesty cannot be justly charged with inconsistency.

But this, my lords, is not the only, nor the greatest benefit which the queen of Hungary has received from these troops; for it is highly probable that the states will be induced to concur in the common cause, when they find that they are not incited to a mock confederacy, when they perceive that we really intend to act vigorously, that we decline neither expence nor danger, and that a compliance with our demands will not expose them to stand alone and unassisted against the power of France, elated by success, and exasperated by opposition.

If this, my lords, should be the consequence of our measures, and this consequence is perhaps not far distant, it will no longer be, I hope, asserted, that these mercenaries are an useless burthen to the nation, that they are of no advantage to the common cause, or that the people have been betrayed by the ministry into expences, merely that Hanover might be enriched. When the grand confederacy is once revived, and revived by an universal conviction of the destructive measures, the insatiable ambition, and the outrageous cruelty of the French, what may not the friends of liberty presume to expect? May they not hope, my lords, that these haughty troops which have been so long employed in conquests and invasions, that have laid waste the neighbouring countries with slaughters and devastations, will be soon compelled to retire to their own frontiers, and be content to guard the verge of their native provinces? May we not

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hope, that they will soon be driven from their posts; that they will be forced to retreat to a more defensible station, and admit the armies of their enemies into their dominions; and that they will be pursued from fortress to fortress, and from one intrenchment to another, till they shall be reduced to petition for peace, and purchase it by the alienation of part of their territories?

I hope, my lords, it may be yet safely asserted that the French, however powerful, are not invincible; that their armies may be destroyed, and their treasures exhausted; that they may therefore be reduced to narrow limits, and disabled from being any longer the disturbers of the peace of the universe.

It is well known, my lords, that their wealth is not the product of their own country; that gold is not dug out of their mountains, or rolled down their rivers; but that it is gained by an extensive and successful commerce, carried on in many parts of the world, to the diminution of our own. It is known likewise, that trade cannot be continued in war, without the protection of naval armaments; and that our fleet is at present superior in strength to those of the greatest part of the universe united. It is therefore reasonably to be hoped, that though by assisting the House of Austria we should provoke the French to declare war against us, their hostilities would produce none of those calamities which seem to be dreaded by part of this House; and that such a confederacy might be formed as should be able to retort all the machinations of France upon herself, as would tear her provinces from her, and annex them to other sovereignties.

It has been urged, that no such success can be expected from the conduct which we have lately pursued; that we, who are thus daring the resentment of the most formidable power in the universe, have long suffered ourselves to be insulted by an enemy of far inferior force; that we have been defeated in all our enterprises, and have at present appeared to desist from any design of hostilities; that the Spaniards scarcely perceive that they have an enemy, or feel any of the calamities or inconveniencies of war; and that they are every day enriched with the plunder of Great Britain, without danger, and without labour.

That the war against Spain has not hitherto been remarkably successful, must be confessed; and though the Spaniards cannot boast of any other advantages than the defence of their own dominions, yet they may perhaps be somewhat elated, as they have been able to hold out against an enemy superior to themselves. But, my lords, I am far from believing, that they consider the war against us as an advantage, or that they do not lament it as one of the heaviest calamities that could fall upon them. If it be asked, in what part of their dominions they feel any effects of our hostility, I shall answer with great confidence, that they feel them in every part which is exposed to the evils of a naval war; that they are in pain wherever they are sensible; that they are wounded wherever they are not sheltered from our blows, by the interposition of the nations of the continent.

If we examine, my lords, the influence of our European armaments, we shall find that their ships of war are shut up in the harbour of France, and that the fleets of both nations are happily blocked up together, so that they can neither extricate each other by concerted motions, in which our attention might be distracted, and our force divided, nor by their united force break through the bars by which they are shut up from the use of the ocean.

But this, my lords, however important with respect to us, is perhaps the smallest inconvenience which the Spaniards feel from our naval superiority. They have an army, my lords, in Italy, exposed to all the miseries of famine, while our fleet prohibits the transportation of those provisions which have been stored in vessels for their supply, and which must be probably soon made defenceless by the want of ammunition, and fall into the hands of their enemies without the honour of a battle.

But what to the pride of a Spaniard must be yet a more severe affliction, they have on the same continent a natural confederate, who is yet so intimidated by the British fleets, that he dares neither afford them refuge in his dominions, nor send his troops to their assistance. The queen, amidst all the schemes which her unbounded ambition forms for the exaltation of her family, finds her own son, after having received a kingdom from her kindness, restrained from supporting her, and reduced to preserve those territories which she has bestowed upon him, by abandoning her from whom he received them.

These, my lords, are the inconveniencies which the Spaniards feel from our fleets in



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the Mediterranean; and even these, however embarrassing, however depressing, are lighter than those which our American navy produces. It is apparent, that money is equivalent to strength, a proposition of which, if it could be doubted, the Spanish monarchy would afford sufficient proof, as it has been for a long time supported only by the power of riches. It is therefore impossible to weaken Spain more speedily or more certainly, than by intercepting or obstructing the annual supplies of gold and silver which she receives from her American provinces, by which she was once enabled to threaten slavery to all the neighbouring nations, and incited to begin, with the subjection of this island, her mighty scheme of universal monarchy, and by which she has still continued to exalt herself to an equality with the most powerful nations, to erect new kingdoms, and set at defiance the Austrian power.

These supplies, my lords, are now, if not wholly, yet in a great measure withheld; and by all the efforts which the Spaniards now make, they are exhausting their vitals, and wasting the natural strength of their native country. While they made war with adventitious treasures, and only squandered one year what another would repay them, it was not easy to foresee how long their pride would incline them to hold out against superior strength. While they were only engaged in a naval war, they might have persisted for a long time in a kind of passive obstinacy; and while they were engaged in no foreign enterprises, might have supported that trade with each other which is necessary for the support of life, upon the credit of those treasures which are annually heaped up in their store-houses, though they are not received; and by which, upon the termination of the war, all their debts might at once be paid, and all their funds be re-established.

But at present, my lords, their condition is far different; they have been tempted by the prospect of enlarging their dominions to raise armies for distant expeditions, which must be supported in a foreign country, and can be supported only by regular remittances of treasure, and have formed these projects at a time when the means of pursuing them are cut off. They have by one war increased their expences, when their receipts are obstructed by another.

In this state, my lords, I am certain the Spaniards are very far from thinking the hostility of Great Britain merely nominal, and from enquiring in what part of the world their enemies are to be found. The troops in Italy see them sailing in triumph over the Mediterranean, intercepting their provisions, and prohibiting those succours which they expected from their confederate of Sicily. In Spain their taxes and their poverty, poverty which every day increases, inform them, that the seas of America are possessed by the fleets of Great Britain, by whom their mines are made useless, and their wealthy dominions reduced to an empty sound.

They may, indeed, comfort themselves in their distresses with the advantages which their troops have gained over the king of Sardinia, and with the entrance which they have forced into his dominions; but this can afford them no long satisfaction, since they will probably never be able to break through the passes at which they have arrived, or to force their way into Italy; and must perish at the feet of inaccessible rocks, where they are now supported at such an expence, that they are more burthensome to their own master than to the king of Sardinia.

Of this prince I know not why it has been asserted, that he will probably violate his engagements to Great Britain and Austria; that he will purchase peace by perfidy, and grant a passage to the army of Spain. His conduct has certainly given hitherto no reason for such an imputation; he has opposed them with fortitude and vigour, and address; nor has he failed in any of the duties required of a general or an ally; he has exposed his person to the most urgent dangers, and his dominions to the ravages of war; he has rejected all the solicitations of France, and set her menaces at defiance; and surely, my lords, if no private man ought to be censured without just reason, even in familiar discourse, we ought still to be more cautious of injuring the reputation of princes by public reproaches in the solemn debates of national assemblies.

The same licentiousness of speech has not, indeed, been extended to all the princes mentioned in this debate. The emperor has been treated with remarkable decency as the lawful sovereign of Germany, as one who cannot be opposed without rebellion, and against whom we therefore cannot expect that the troops of Hanover should presume to act, since they must expose their country to the severities of the imperial interdict.

The noble lords who have thus ardently

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asserted the rights of the emperor, who have represented in such strong language the crime of violating the German constitutions, and have commended the neutrality of the king of Prussia, as proper to be imitated by all the rest of the princes of the empire, have forgotten, or hoped that others would forget, the injustice and violence by which he exalted himself to the throne, from which they appear to think it a sacrilegious attempt to thrust him down. They forget, that one of the votes was illegally suspended, and that the rest were extorted by the terror of an army. They forget, that he invited the French into the empire, and that he is guilty of all the ravages which have been committed, and all the blood that has been shed, since the death of the emperor, in the defence of the Pragmatic Sanction which he invaded, though ratified by the solemn consent of the imperial diet.

In defence of the Pragmatic Sanction, my lords, which all the princes of the empire, except his majesty, saw violated without concern, are we now required to exert our force; we are required only to perform what we promised by the most solemn treaties, which, though they have been broken by the cowardice or ambition of other powers, it will be our greatest honour to observe with exemplary fidelity.

With this view, as your lordships have already been informed, the Hanoverian troops will march into the empire; nor has their march been hitherto delayed, either because there was yet no regular scheme projected, or because they were obliged to wait for the permission of the king of Prussia, or because they intended only to amuse Europe with an empty show; they were detained, my lords, in Flanders, because it was believed, that they were more useful there than they would be in any other place, because they at once encouraged the states, alarmed the French, defended the Low Countries, and kept the communication open between the queen's dominions and those of her allies. Nor were these advantages, my lords, chimerical, and such as are only suggested by a warm imagination; for it is evident that by keeping their station in those countries, they have changed the state of the war, that they have protected the queen of Hungary from being oppressed by a new army of French, and given her an opportunity of establishing herself in the possession of Bavaria; that the French forces, instead of being sent either to the assistance of the king of Spain against the king of Sardinia, or of the emperor, for the recovery of those dominions which he has lost by an implicit confidence in their alliance, have been necessarily drawn down to the opposite extremity of their dominions, where they are of no use either to their own country, or to their confederates. The united troops of Great Britain and Hanover, therefore, carried on the war, by living at ease in their quarters in Flanders, more efficaciously, than if they had marched immediately into Bavaria or Bohemia.

Thus, my lords, I have endeavoured to shew the justice of our designs, and the usefulness of the measures by which we have endeavoured to execute them; and doubt not, but your lordships will, upon considering the arguments which have been urged on either side, and those which your own reflections will suggest, allow that it was not only just but necessary to take into our pay the troops of Hanover, for the support of the Pragmatic Sanction and the preservation of the House of Austria; and that since the same reasons which induced the government to hire them, still make it necessary to retain them, you will prefer the general happiness of Europe, the observation of public faith, and the security of our own liberties and those of our posterity, to a small alleviation of our present expences, and unanimously reject a motion, which has no other tendency than to resign the world into the hands of the French, and purchase a short and dependent tranquillity by the loss of all those blessings which make life desirable.

Lord *Lonsdale:*

My lords; notwithstanding the confidence with which the late measures of the government have been defended by their authors, I am not yet set free from the scruples which my own observations had raised, and which have been strengthened by the assertions of those noble lords, who have spoken in vindication of the motion.

Many of the objections which have been raised and enforced with all the power of argument, have yet remained unanswered, or those answers which have been offered are such as leave the argument in its full strength. Many of the assertions which have been produced seem the effects of hope rather than conviction, and we are

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rather told what we are to hope from future measures, than what advantages we have received from the past.

I am, indeed, one of those whom it will be difficult to convince of the propriety of engaging in a new war, when we are unsuccessful in that which we have already undertaken, and of provoking a more powerful enemy, when all our attempts are baffled by a weaker; and cannot yet set myself free from the apprehension of new defeats and new disgraces from the arms of France, after having long seen how little we are able to punish the insolence of Spain. I cannot but fear that by an ill-timed and useless opposition to schemes, which, however destructive or unjust, we cannot obviate, we shall subject ourselves to numberless calamities, that the ocean will be covered with new fleets of privateers, that our commerce will be interrupted in every part of the world, and that we shall only provoke France to seize what she would at least have spared some time longer.

But, my lords, if it be granted that the Pragmatic Sanction is obligatory to us, though it is violated by every other power; that we should labour to reduce the powers of Europe to an equipoise, whenever accident or folly produces any alteration of the balance; and that we are now not to preserve the House of Austria from falling, but raise it from the dust, and restore it to its ancient splendour, even at the hazard of a war with that power which now gives laws to all the western nations; yet it will not surely be asserted, that we ought to be without limits, that we ought to preserve the House of Austria not only by the danger of our own country, but by its certain ruin, and endeavour to avert the possibility of slavery, by subjecting ourselves to miseries more severe than the utmost arrogance of conquest, or the most cruel wantonness of tyranny, would inflict upon us.

I have observed, that many lords have expressed in this debate an uncommon ardour for the support of the queen of Hungary; nor is it without pleasure, that I see the most laudable of all motives, justice and compassion, operate in this great assembly with so much force. May your lordships always continue to stand the great advocates for public faith, and the patrons of true greatness in distress, may magnanimity always gain your regard, and calamity find shelter under your protection!

I likewise, my lords, desire to be remembered among those who reverence the virtues and pity the miseries of this illustrious princess, who look with detestation on those who have invaded the dominions which they had obliged themselves by solemn treaties to defend, and who have taken advantage of the general confederacy against her, to enrich themselves with her spoils, who have insulted her distress, and aggravated her misfortunes.

But, my lords, while I feel all these sentiments of compassion for the queen of Hungary, I have not yet been able to forget, that my own country claims a nearer regard; that I am obliged both by interest and duty to preserve myself and my posterity, and my fellow-subjects, from those miseries which I lament; when they happen to others, however distant, I cannot but remember, that I am not to save another from destruction by destroying myself, nor to rescue Austria by the ruin of Great Britain.—Though I am therefore not unwilling to assist the queen of Hungary, I think it necessary to fix the limits of our regard, to enquire how far we may proceed with safety, and what expences the nation can bear, and how those expences may be best employed. The danger of the queen of Hungary ought not to have an effect which would be reproachful, even if the danger was our own. It ought not so far to engross our faculties as to hinder us from attending to every other object. The man who runs into a greater evil to avoid a less, evidently shows, that he is defective either in prudence or in courage, that either he wants the natural power of distinguishing, or that his dread of an approaching, or his impatience of a present, evil, had taken it away.

Let us therefore examine, my lords, the measures with which those who are intrusted with the administration of public affairs, would persuade us to concur, and enquire whether they are such as can be approved by us without danger to our country. Let us consider, my lords, yet more nearly, whether they are not such as we ourselves could not be prevailed upon even to regard as the object of deliberation, were we not dazzled on one part by glaring prospects of triumphs and honours, of the reduction of France, and the rescue of the world, of the propagation of liberty, and the defence of religion, and intimidated on the other by the view of approaching calamities, the cruelties of persecution, and the hardships of slavery.

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All the arts of exaggeration, my lords, have been practised to reconcile us to the measures which are now proposed, and indeed all are necessary: for the expences to which we are about to condemn this nation are such as it is not able to bear, and to which no lord in this House would consent, were he calm enough to number the sums.

To prove the truth of this assertion, one question is necessary. Is any lord in this House willing to assist the queen of Hungary at the expence of 1,600,000*l.* a year?—I think the universal silence of this House is a sufficient proof that no one is willing; I will however repeat my question.—Is any lord in this House willing that this nation should assist the queen of Hungary at the annual expence of 1,600,000*l.*?—The House is, as I expected, still silent, and therefore I may now safely proceed upon the supposition of an unanimous negative. Nor does any thing remain in order to evince the impropriety of the measures which we are about to pursue, but that every lord may reckon up the sum required for the support of those troops. Let him take a view of our military estimates, and he will quickly be convinced, how much we are condemned to suffer in this cause. He will find, that we are about not only to remit yearly into a foreign country more than a million and a half of money, but to hazard the lives of multitudes of our fellow-subjects, in a quarrel which at most affects us but remotely; that we are about to incur as auxiliaries an expence greater than that which the principals sustain.

The sum which I have mentioned, my lords, enormous as it may appear, is by no means exaggerated beyond the truth. Whoever shall examine the common military estimates, will easily be convinced, that the forces which we now maintain upon the continent cannot be supported at less expence; and that we are therefore about to exhaust our country in a distant quarrel, and to lavish our blood and treasure with useless profusion.

This profusion, my lords, is useless, at least useless to any other end, than an ostentatious display of our forces, and our riches; not because the balance of power is irrecoverably destroyed, not because it is contrary to the natural interest of an island to engage in wars on the continent, nor because we shall lose more by the diminution of our commerce, than we shall gain by an annual victory. It is useless, not because the power of France has by long negligence been suffered to swell beyond all opposition, nor because the queen of Hungary ought not to be assisted at the hazard of this kingdom, though all these reasons are of importance enough to claim our consideration. It is useless, my lords, because the queen of Hungary may be assisted more powerfully, at less charge, because a third part of this sum will enable her to raise, and to maintain, a greater body of men than have now been sent her.

Nor will the troops which she may be thus enabled to raise, my lords, be only more numerous, but more likely to prosecute the war with ardour; and to conclude it therefore with success. They will fight for the preservation of their own country, they will draw their swords to defend their houses and their estates, their wives and their children, from the rage of tyrants and invaders; they will enter the field as men who cannot leave it to their enemies without resigning all that makes life valuable; and who will therefore more willingly die than turn their backs.

It may reasonably be imagined, my lords, that the queen will place more confidence in such forces, than in troops which are to fight only for honour or for pay: and that she will expect from the affection of her own subjects, a degree of zeal and constancy which she cannot hope to excite in foreigners: and that she will think herself more secure in the protection of those whose fidelity she may secure by the solemnity of an oath, than those who have no particular regard for her person, nor any obligations to support her government.

It is no inconsiderable motive to this method of assisting our ally, that we shall entirely take away from France all pretences of hostilities or resentment, since we shall not attack her troops or invade her frontiers, but only furnish the queen of Hungary with money, without directing her how to apply it. I am far, my lords, from being so much intimidated by the late increase of the French greatness, as to imagine, that no limits can be set to their ambition. I am far from despairing, that the queen of Hungary alone, supported by us with pecuniary assistance, may be able to reduce them to solicitations for peace by driving them out of her dominions, and pursuing them into their own. But as the chance of war is always uncertain, it is surely most prudent to chuse

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such a conduct as may exempt us from danger in all events; and since we are not certain of conquering the French, it is, in my opinion, most eligible not to provoke them, because we cannot be conquered without ruin.

This method is yet eligible on another account; by proceeding with frugality, we shall gain time to observe the progress of the war, and watch the appearance of any favourable opportunity, without exhausting ourselves so far as to be made unable to improve them.

The time, my lords, at which we shall be thus exhausted, at which we shall be reduced to an absolute inability to raise an army or equip a fleet, is not at a great distance. If our late profusion be for a short time continued, we shall quickly have drained the last remains of the wealth of our country. We have long gone on from year to year, raising taxes and contracting debts; and unless the riches of Great Britain are absolutely unlimited, must in a short time reduce them to nothing. Our expences are not all, indeed, equally destructive; some, though the method of raising them be vexatious and oppressive, do not much impoverish the nation, because they are refunded by the extravagance and luxury of those who are retained in the pay of the court; but foreign wars threaten immediate destruction, since the money that is spent in distant countries can never fall back into its former channels, but is dissipated on the continent, and irrecoverably lost.

When this consideration is present to my mind, and on this occasion no man who has any regard for himself or his posterity can omit it, I cannot but think with horror on a vote by which such prodigious sums are wafted into another region: I cannot but tremble at the sound of a tax for the support of a foreign war, and think a French army landed on our coasts not much more to be dreaded than the annual payment to which we appear now to be condemned, and from which nothing can preserve us but the Address which is now proposed.

By what arguments the Commons were persuaded, or by what motives incited, to vote a supply for the support of this mercenary force, I have not yet heard; nor as a member of this House, my lords, was it necessary for me to enquire. Their authority, though mentioned with so much solemnity on this occasion, is to have no influence on our determinations. If they are mistaken, it is more necessary for us to enquire with uncommon caution. If they are corrupt, it is more necessary for us to preserve our integrity. If we are to comply blindly with their decisions, our knowledge or experience are of no benefit to our country, we only waste time in useless solemnities, and may be once more declared useless to the public.

The Commons, my lords, do not imagine themselves, nor are imagined by the nation, to constitute the legislature. The people, when any uncommon heat prevails in the other House, disturbs their debates, and over-rules their determinations, have been long accustomed to expect redress and security from our calmer counsels; and have considered this House as the place where reason and justice may be heard, when by clamour and uproar they are driven from the other. On this occasion my lords, every Englishman fixes his eyes upon us, and every man who has sagacity enough to discover the dismal approach of public poverty, now supplicates your lordships, by agreeing to this Address to preserve him from it.

Lord Chancellor *Hardwicke:*

My lords; having very attentively observed the whole progress of this important debate, and considered with the utmost impartiality the arguments which have been made use of on each side, I cannot think the question before us doubtful or difficult; and hope that I may promote a speedy decision of it by recapitulating what has been already urged, that the debate may be considered at one view, and by adding some observations which have arisen to my own thoughts on this occasion.

At the first view of the question before us in its present state, no man can find any reasons for prejudice in favour of the Address proposed. This House is, indeed, yet divided, and many lords have spoken on each side with great force and with great address; but the authority of the other House, added to the numbers which have already declared in this for the support of the foreign troops, is sufficient to turn the balance, in the opinion of any man who contents himself to judge by the first appearance of things; and must incline him to imagine that position at least more probable, which is ratified by the determination of one House, and yet undecided by the other.

I know, my lords, what may be objected to these observations on the other House, and readily agree with the noble lord, that

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our determinations ought not to be influenced by theirs. But on this occasion, I introduce their decision not as the decrees of legislators, but as the result of the consideration of wise men; and in this sense it may be no less reasonable to quote the determination of the Commons, than to introduce the opinion of any private man whose knowledge or experience gives his opinion a claim to our regard.

Nor do I mention the weight of authority on one side as sufficient to influence the private determination of any in this House. It is the privilege and the duty of every man, who possesses a seat in the highest council of his country, to make use of his own eyes and his own understanding, to reject those arguments of which he cannot find the force, whatever effect they may have upon others, and to discharge the great trust conferred upon him by consulting no conscience but his own.

Yet though we are by no means to suffer the determinations of other men to repress our enquiries, we may certainly make use of them to assist them; we may very properly therefore enquire the reasons that induced the other House to approve those bills which are brought before them, since it is not likely that their consent was obtained without arguments, at least probable, though they are not to be by us considered as conclusive upon their authority. The chief advantage which the public receives from a legislature formed of several distinct powers, is, that all laws must pass through many deliberations of assemblies independent on each other, of which, if the one be agitated by faction, or distracted by divisions, it may be hoped, that the other will be calm and united, and of which it can hardly be feared, that they can at any time concur in measures apparently destructive to the commonwealth.

But these enquiries, my lords, however proper or necessary, are to be made by us not in solemn assemblies, but in our private characters; and therefore I shall not now lay before your lordships what I have heard from those whom I have consulted for the sake of obtaining information on this important question, or shall at least not offer it as the opinion of the Commons, or pretend to add to it any influence different from that of reason and truth.

The arguments which have been offered in this debate for the motion, are indeed such as do not make any uncommon expedients necessary, they will not drive the advocates for the late measures to seek a refuge in authority instead of reason. They require, in my opinion, only to be considered with a calm attention, and their force will immediately be at an end.

The most plausible objection, my lords, is, that the measures to which your approbation is now desired, were concerted and executed without the concurrence of parliament; and it is therefore urged, that they cannot now deserve our approbation, because it was not asked at the proper time.

In order to answer this objection, my lords, it is necessary to consider it more distinctly than those who made it appear to have done, that we may not suffer ourselves to confound questions real and personal, to mistake one object for another, or to be confounded by different views.

That the consent of parliament was not asked, my lords, supposing it a neglect, and a neglect of a criminal kind, of a tendency to weaken our authority, and shake the foundations of our constitution, which is the utmost that the most ardent imagination, or the most hyperbolical rhetoric can utter or suggest, may be indeed a just reason for invective against the ministers, but is of no force if urged against the measures. To take auxiliaries in our pay may be right, though it might be wrong to hire them without applying to parliament; as it is proper to throw water upon a fire, though it was conveyed to the place without the leave of those from whose well it was drawn, or over whose ground it was carried.

If the liberties of Europe be really in danger, if our treaties oblige us to assist the queen of Hungary against the invaders of her dominions, if the ambition of France requires to be redressed, and the powers of Germany to be animated against her by the certain prospect of a vigorous support, I cannot discover the propriety of this motion, even supposing that we have not found from the ministers all the respect that we have a right to demand. As a lawful authority may do wrong, so right may be sometimes done by an unlawful power; and surely, though usurpation ought to be punished, the benefits which have been procured by it are not to be thrown away. We may retain the troops that have been hired if they are useful, though we should censure the ministry for taking them into pay.

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But the motion to which our concurrence is now required, is a motion by which we are to punish ourselves for the crime of the ministers, by which we are about to leave ourselves defenceless, because we have been armed without our consent, and to resign up all our rights and privileges to France, because we suspect, that they have not been sufficiently regarded on this occasion by our ministers.

Those noble lords who have dwelt with the greatest ardour on this omission, have made no proposition for censuring those whom they condemn as the authors of it, though this objection must terminate in an enquiry into their conduct, and has no real relation to the true question now before us, which is, whether the auxiliaries be of any use? If they are useless, they ought to be discharged without any other reason; if they are necessary, they ought to be retained, whatever censure may fall upon the ministry.

I am, indeed, far from thinking, that when your lordships have sufficiently examined the affair, you will think your privileges invaded, or the public trepanned by artifice into expensive measures; since it will appear, that the ministry in reality preferred the most honest to the safest methods of proceeding, and chose rather to hazard themselves, than to practise or appear to practise any fraud upon their country.

When it was resolved in council to take the troops of Hanover into the pay of Great Britain, a resolution which, as your lordships have already been informed, was made only a few days before parliament rose, it was natural to consider, whether the consent of parliament should not be demanded; but when it appeared upon reflection, that to bring an affair of so great importance before the last remnant of a House of Commons, after far the greater part had retired to the care of their own affairs, would be suspected as fraudulent, and might give the nation reason to fear, that such measures were intended as the ministers were afraid of laying before a full parliament; it was thought more proper to defer the application to the next session, and to venture upon the measures that were formed, upon a full conviction of their necessity.

This conduct, my lords, was exactly conformable to the demands of those, by whom the court has hitherto been opposed, and who have signalised themselves as the most watchful guardians of liberty. Among these men, votes of credit have never been mentioned but with detestation, as acts of implicit confidence, by which the riches of the nation are thrown down at the feet of the ministry to be squandered at pleasure. When it has been urged, that emergencies may arise, during the recess of parliament, which may produce a necessity of expences, and that therefore some credit ought to be given which may enable the crown to provide against accidents, it has been answered, that the expences which are incurred during the recess of parliament, will be either necessary or not; that if they are necessary, the ministry have no reason to distrust the approbation of parliament, but if they are useless, they ought not to expect it. And that, instead of desiring to be exempted from any subsequent censures, and to be secured in exactions or prodigality by a previous vote, they ought willingly to administer the public affairs at their own hazard, and await the judgment of parliament, when the time shall come, in which their proceedings are laid before it.

Such have hitherto been the sentiments of the most zealous advocates for the rights of the people; nor did I expect from any man who desired to appear under that character, that he would censure the ministry for having thrown themselves upon the judgment of parliament, and neglected to secure themselves by any previous applications, for having trusted in their own integrity, and exposed their conduct to an open examination without subterfuges and without precautions. I did not imagine, my lords, that a parliament upon whose decision all the measures which have been taken, so apparently depend, would have been styled a parliament convened only to register the determinations of the ministry; or that any of your lordships would think his privileges diminished, because money was not demanded before the use of it was fully known.

If we lay aside, my lords, all enquiries into precedents, and, without regard to any political considerations, examine this affair only by the light of reason, it will surely appear, that the ministry could not, by any other method of proceeding, have shown equal regard to parliament, or equal confidence in their justice and their wisdom. Had they desired a vote of credit, it might have been justly objected, that they required to be trusted with the public money, without declaring, or being

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able to declare, how it was to be employed; that either they questioned the wisdom or honesty of parliament; and therefore durst undertake nothing, till they were secure of the supplies necessary for the execution of it. Had they informed both Houses of their whole scheme, they might have been still charged, and charged with great appearance of justice, with having preferred their own safety to that of the public, and having rather discovered their designs to the enemy than trusted to the judgment of parliament; nor could any excuse have been made for a conduct so contrary to all the rules of war, but such as must have dishonoured either the ministers or parliament, such as must have implied, either that the measures intended were unworthy of approbation, or that they were by no means certain that even the best conduct would not be censured.

These objections they foresaw, and allowed to be valid; and therefore generously determined to pursue the end which every man was supposed to approve, by the best means which they could discover, and to refer their conduct to a full parliament, in which they did not doubt but their integrity, and perhaps their success, would find them vindicators. Instead of applying, therefore, to the remains of the Commons, a few days before the general recess; instead of assembling their friends by private intimations, at a time when most of those, from whom they might have dreaded opposition, had retired, they determined to attempt, at their own hazard, whatever they judged necessary for the promotion of the common cause, and to refer their measures to parliament, when it should be again assembled.

The manner in which one of the noble lords, who have spoken in support of the Address, has thought it necessary that they should have applied to us, is indeed somewhat extraordinary, such as is certainly without precedent, and such as is not very consistent with the constituent rights of the different powers of the legislature. His lordship has been pleased to remark, that the crown has entered into a treaty, and to ask why that treaty was not previously laid before parliament for its approbation?

I know not, my lords, with what propriety this contract for the troops of Hanover can be termed a treaty. It is well known, that no power in this kingdom can enter into a treaty with a foreign state except the king; and it is equally certain, that, with regard to Hanover, the same right is limited to the elector. This treaty therefore, my lords, is a treaty of the same person with himself, a treaty of which the two counterparts are to receive their ratification from being signed with the same hand. This surely is a treaty of a new kind, such as no national assembly has yet considered. Had any other power of Great Britain than its king, or in Hanover any other than the elector, the right of entering into public engagements, a treaty might have been made; but as the constitution of both nations is formed, the treaty is merely chimerical and absolutely impossible.

Had such a treaty, as is thus vainly imagined, been really made, it would yet be as inconsistent with the fundamental establishment of the kingdom, to require that before it was ratified, it should have been laid before parliament. To make treaties, as to make war, is the acknowledged and established prerogative of the crown. When war is declared, the parliament is indeed to consider, whether it ought to be carried on at the expence of the nation; and if treaties require any supplies to put them in execution, they likewise fall properly at that time under parliamentary cognizance: but to require that treaties shall not be transacted without our previous concurrence, is almost to annihilate the power of the crown, and to expose all our designs to the opposition of our enemies, before they can be completed.

If therefore the troops of Hanover can be of use for the performance of our stipulations, if they can contribute to the support of the House of Austria, the ministry cannot, in my opinion, be censured for having taken them into British pay; nor can we refuse our concurrence with the Commons in providing for their support, unless it shall appear, that the design for which all our preparations have been made, is such as cannot be executed, or such as ought not to be pursued.

Several arguments have been offered to prove both these positions; one noble lord has asserted, that it is by no means for the advantage either of ourselves or any other nation, to restore the House of Austria to its ancient elevation; another, that it is by the imperial constitutions unlawful for any of the princes of Germany to make war upon the emperor solemnly acknowledged by the diet. They have endeavoured to intimidate us, by turning



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our view to the difficulties by which our attempts are obstructed; difficulties which they affect to represent as insuperable, at least to this nation in its present state. With this design, my lords, has the greatness of the French power been exaggerated, the faith of the king of Sardinia questioned, and the king of Prussia represented as determined to support the pretensions of the emperor; with this view has our natural strength been depreciated, and all our measures and hopes have been ridiculed, with wantonness, not very consistent with the character of a British patriot.

Most of these arguments, my lords, have been already answered, and answered in such a manner as has, I believe, not failed of convincing every noble lord of their insufficiency, unless perhaps those are to be excepted by whom they were offered. It has with great propriety been observed, that the inconsistency imputed to his majesty in opposing the emperor for whom he voted, is merely imaginary; since it is not a necessary consequence, that he for whom he voted is therefore lawfully elected; and because his majesty does not engage in this war for the sake of dethroning the emperor, but of supporting the Pragmatic Sanction; nor does he oppose him as the head of the German body, but as the invader of the dominions of Austria.

With regard to the propriety of maintaining the Austrian family in its present possessions, and of raising it, if our arms should be prosperous, to its ancient greatness, it has been shown, that no other power is able to defend Europe either against the Turks on one part, or the French on the other; two powers equally professing the destructive intention of extending their dominions without limits, and of trampling upon the privileges and liberties of all the rest of mankind.

It has been shown, that the general scheme of policy uniformly pursued by our ancestors in every period of time, since the increase of the French greatness, has been to preserve an equipoise of power, by which all the smaller states are preserved in security. It is apparent, that by this scheme alone can the happiness of mankind be preserved, and that no other family but that of Austria is able to balance the House of Bourbon.

This equipoise of power has by some noble lords been imagined an airy scheme, a pleasing speculation which, however it may amuse the imagination, can never be reduced to practice. It has been asserted, that the state of nations is always variable, that dominion is every day transferred by ambition or by casualties, that inheritances fall by want of heirs into other hands, and that kingdoms are by one accident divided at one time, and at other times consolidated by a different event; that to be the guardians of all those, whose credulity or folly may betray them to concur with the ambition of an artful neighbour, and to promote the oppression of themselves, is an endless task; and that to obviate all the accidents by which provinces may change their masters, is an undertaking to which no human foresight is equal; that we have not a right to hinder the course of succession for our own interest, nor to obstruct those contracts which independent princes are persuaded to make, however contrary to their own interest, or to the general advantage of mankind. And it has been concluded by those reasoners, that we should show the highest degree of wisdom, and the truest, though not the most refined policy, by attending steadily to our own interest, by improving the dissensions of our neighbours to our own advantage, by extending our commerce, and increasing our riches, without any regard to the happiness or misery, freedom or slavery of the rest of mankind.

I believe I need not very laboriously collect arguments to prove to your lordships, that this scheme of selfish negligence, of supine tranquillity, is equally imprudent and ungenerous; since if we examine the history of the last century, we shall easily discover, that if this nation had not interposed, the French had now been masters of more than half Europe; and it cannot be imagined, that they would have suffered us to set them at defiance in the midst of their greatness, that they would have spared us out of tenderness, or forborne to attack us out of fear. What the Spaniards attempted, though unsuccessfully, from a more distant part of the world, in the pride of their American affluence, would certainly have been once more endeavoured by France, with far greater advantages, and as it may be imagined, with a different event.

That it would have been endeavoured, cannot be doubted, because the endeavour would not have been hazardous; by once defeating our fleet, they might land their forces, which might be wafted over in a very short time, and by a single victory

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they might conquer all the island, or that part of it at least which is most worth the labour of conquest; and though they should be unsuccessful, they could suffer nothing but the mortification of their pride, and would be in a short time enabled to make a new attempt.

Thus, my lords, if we could preserve our liberty in the general subjection of the western part of the world, we should do it only by turning our island into a garrison, by laying aside all other employment than the study of war, and by making it our only care to watch our coasts: a state which surely ought to be avoided at almost any expence and at any hazard.

To think that we could extend our trade or increase our riches in this state of the continent, is to forget the effects of universal empire. The French, my lords, would then be in possession of all the trade of those provinces which they had conquered, they would be masters of all their ports, and of all their shipping; and your lordships may easily conceive with what security we should venture upon the ocean, in a state of war, when all the harbours of the continent afforded shelter to our enemies. If the French privateers from a few obscure creeks, unsupported by a fleet of war, or at least not supported by a navy equal to our own, could make such devastations in our trade as enabled their country to hold out against the confederacy of almost all the neighbouring powers; what, my lords, might not be dreaded by us, when every ship upon the ocean should be an enemy; when we should be at once overborne by the wealth and the numbers of our adversaries; when the trade of the world should be in their hands, and their navies no less numerous than their troops?

I have made this digression, my lords, I hope not wholly without necessity, to show that the advantages of preserving the equipoise of Europe are not, as they have been sometimes conceived, empty sounds, or idle notions; but that by the balance of one nation against another, both the safety of other countries and of our own is preserved; and that therefore it requires all our vigilance and all our resolution to establish and maintain it.

That there may come a time in which this scheme will be no longer practicable, when a coalition of dominions may be inevitable, and when one power will be necessarily exalted above the rest, is indeed not absolutely impossible, and therefore not to be peremptorily denied. But it is not to be inferred, that our care is vain at present, because, perhaps, it may some time be vain hereafter; or that we ought now to sink into slavery without a struggle, because the time may come, when our strongest efforts will be ineffectual.

It has indeed been almost asserted, that the fatal hour is now arrived, and that it is to no purpose that we endeavour to raise any farther opposition to the universal monarchy projected by France. We are told, that the nation is exhausted and dispirited; that we have neither influence, nor riches, nor courage remaining; that we shall be left to stand alone against the united House of Bourbon; that the Austrians cannot, and that the Dutch will not assist us; that the king of Sardinia will desert his alliance; that the king of Prussia has declared against us; and therefore, that by engaging in the support of the Pragmatic Sanction, we are about to draw upon ourselves that ruin which every other power has foreseen and shunned.

I am far from denying, my lords, that the power of France is great and dangerous; but can draw no consequence from that position, but that this force is to be opposed before it is still greater, and this danger to be obviated while it is yet surmountable, and surmountable I still believe it by unanimity and courage.

If our wealth, my lords, is diminished, it is time to confine the commerce of that nation by which we have been driven out of the markets of the continent, by destroying their shipping, and intercepting their merchants. If our courage is depressed, it is depressed not by any change in the nature of the inhabitants of this island, but by a long course of inglorious compliance with the demands, and of mean submission to the insults of other nations, to which it is necessary to put an end by vigorous resolutions.

If our allies are timorous and wavering, it is necessary to encourage them by vigorous measures; for as fear, so courage, is produced by example: the bravery of a single man may withhold an army from flight, and other nations will be ashamed to discover any dread of that power which France alone sets at defiance. They will be less afraid to declare their intentions, when they are convinced that we intend to support them; and if there be, in reality, any prince who does not favour our design, he will be at least less inclined to obstruct it, as he finds the opposition, which he must encounter, more formidable.

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For this reason, my lords, I am far from discovering the justness of the opinion which has prevailed very much in the nation, on this occasion, that we are not to act without allies, because allies are most easily to be procured by acting, and because it is reasonable and necessary for us to perform our part, however other powers may neglect theirs.

The advice which parliament has often repeated to his majesty, has been to oppose the progress of France; and though it should be allowed, that he has been advised to proceed in concert with his allies, yet it must be understood to suppose such allies as may be found to have courage and honesty enough to concur with him. It cannot be intended, that he should delay his assistance till corruption is reclaimed, or till cowardice is animated; for to promise the queen of Hungary assistance on such terms, would be to insult her calamities, and to withhold our succours till she was irrecoverably ruined. The parliament could not insist that we should stand neuter, till all those, who were engaged by treaty to support the Pragmatic Sanction, should appear willing to fulfil their stipulations; for even France is to be numbered among those who have promised to support the House of Austria in its possessions, however she may now endeavour to take them away.

Even with regard to that power from which most assistance may be reasonably expected, nothing would be more imprudent than to declare, that we determine not to act without them; for what then would be necessary, but that the French influence one town in their provinces, or one deputy in their assemblies, and ruin the House of Austria in security and at leisure, without any other expence than that of a bribe?

It was therefore necessary to transport our troops into Flanders, to show the world, that we were no longer inclined to stand idle spectators of the troubles of Europe; that we no longer intended to amuse ourselves, or our confederates, with negociations which might produce no treaties, or with treaties which might be broken whenever the violation of them afforded any prospect of that advantage; we were now resolved to sacrifice the pleasures of neutrality, and the profits of peaceful traffic, to the security of the liberties of Europe, and the observation of public faith.

This necessity was so generally allowed, that when the first body of troops was sent over, no objection was made by those who found themselves inclined to censure the conduct of our affairs, but that they were not sufficiently numerous to defend themselves, and would be taken prisoners by a French detachment; the ministry were therefore asked, why they did not send a larger force, why they engaged in hostilities, which could only raise the laughter of our enemies, and why, if they intended war, they did not raise an army sufficient to prosecute it.

An army, my lords, an army truly formidable, is now raised, and assembled on the frontiers of France, ready to assist our ally; and to put a stop to the violence of invasions. We now see ourselves once again united with the House of Austria, and may hope once more to drive the oppressors of mankind before us. But now, my lords, a clamour is propagated through the nation, that these measures which have been so long desired, are pernicious and treacherous; that we are armed not against France, but against ourselves; that our armies are sent over either not to fight, or to fight in a quarrel in which we have no concern; to gain victories from which this nation will receive no advantage, or to bring new dishonour upon their country by a shameful inactivity.

This clamour, which, if it had been confined to the vulgar, had been, perhaps, of no great importance, nor could have promoted any of the designs of those by whom it was raised, has been mentioned in this House as an argument in favour of the motion which is now under the consideration of your lordships; and it has been urged, that these measures cannot be proper, because all measures, by which his majesty's government is made unpopular, must in the end be destructive to the nation.

On this occasion, my lords, it is necessary to consider the nature of popularity, and to enquire how far it is to be considered in the administration of public affairs. If by popularity is meant only a sudden shout of applause, obtained by a compliance with the present inclination of the people, however excited, or of whatsoever tendency, I shall without scruple declare, that popularity is to be despised; it is to be despised, my lords, because it cannot be preserved without abandoning much more valuable considerations. The inclinations of the people have in all ages been too variable for regard. But if by popularity be meant that settled confidence and lasting esteem, which a good government

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may justly claim from the subject, I am far from denying that it is truly desirable; and that no wise man ever disregarded it. But this popularity, my lords, is very consistent with contempt of riotous clamours, and of mistaken complaints; and is often only to be obtained by an opposition to the reigning opinions, and a neglect of temporary discontents; opinions which may be inculcated without difficulty by favourite orators, and discontents which the eloquence of seditious writers may easily produce on ignorance and inconstancy.

How easily the opinions of the vulgar may be regulated by those who have obtained, by whatever methods, their esteem, the debate of this day, my lords, may inform us; since if the measures against which this motion is intended, be really unpopular, as they have been represented, it is evident that there has been lately a very remarkable change in the sentiments of the nation; for it is yet a very little time since the repression of the insolence of France, and the relief of the queen of Hungary was so generally wished, and so importunately demanded, that had measures like these been then formed, it is not improbable that they might have reconciled the public to that man, whom the united voice of the nation has long laboured to overbear.

It is indeed urged with a degree of confidence, which ought, in my opinion, to proceed from stronger proof than has yet been produced, that no hostilities are intended; that our armaments on the continent are an idle show, an inoffensive ostentation, and that the troops of Hanover have been hired only to enrich the electorate, under the appearance of assisting the queen of Hungary, whom in reality they cannot succour without drawing upon their country the imperial interdict.

It has been alleged, my lords, that these measures have been concerted wholly for the advantage of Hanover; that this kingdom is to be sacrificed to the electorate, and that we are in reality intended to be made tributaries to a petty power.

In confirmation of these suggestions, advantage has been taken from every circumstance that could admit of misrepresentation. The constitution of the empire has been falsly quoted, to prove that they cannot act against the emperor, and their inactivity in Flanders has been produced as a proof, that they do not intend to enter Germany.

Whoever shall consult the constituent and fundamental pact by which the German form of government is established, will find, my lords, that it is not in the power of the emperor alone to lay any of the states of Germany under the ban; and that the electors are independent in their own dominions, so far as that they may enter into alliances with foreign powers, and make war upon each other.

It appears therefore, my lords, that no law prohibits the elector of Hanover to send his troops to the assistance of the queen of Hungary; he may in consequence of treaties march into Germany, and attack the confederates of the emperor, or, what is not now intended, even the emperor himself, without any dread of the severities of the ban.

Nor does the continuance of the forces in Flanders show any unwillingness to begin hostilities, or any dread of the power of either Prussia, whose prohibition is merely imaginary, or of France, who is not less perplexed by the neighbourhood of our army, than by any other method that could have been taken of attacking her; for being obliged to have an equal force always in readiness to observe their motions, she has not been able to send a new army against the Austrians, but has been obliged to leave the emperor at their mercy, and suffer them to recover Bohemia without bloodshed, and establish themselves at leisure in Bavaria.

Nor is this, my lords, the only advantage which has been gained by their residence in Flanders; for the united provinces have been animated to a concurrence in the common cause, and have consented so far to depart from their darling neutrality, as to send 20,000 of their forces to garrison the barrier. Of which no man, I suppose, will say that it is not of great importance to the queen of Hungary, since it sets her free from the necessity of distracting her views, and dividing her forces for the defence of the most distant parts of her dominions at once; nor will it be affirmed, that this advantage could have probably been gained, without convincing our allies of our sincerity, by sending an army into the continent.

If it be asked, what is farther to be expected from these troops; it ought to be remembered, my lords, with how little propriety our ministers can be required to make public a scheme of hostile operations, and how much we should expose ourselves to our enemies, should a precedent be

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established by which our generals would be incapacitated to form any private designs, and an end would be for ever put to military secrecy.

What necessity there can be for proposing arguments like these, I am not, indeed, able to discover, since the objections which have been made seem to proceed rather from obstinacy than conviction; and the reflections that have been vented, seem rather the product of wit irritated by malevolence, than of reason enlightened by calm consideration. The ministers have been reproached with Hanoverian measures, without any proof that Hanover is to receive the least advantage; and have been charged with betraying their country by those who cannot show how their country is injured, nor can prove either that interest or faith would allow us to sit inactive in the present disturbances of Europe, or that we could have acted in any other manner with equal efficacy.

It is so far from being either evident or true, my lords, that Great Britain is sacrificed to Hanover, that Hanover is evidently hazarded by her union with Great Britain. Had this electorate now any other sovereign than the king of Great Britain, it might have been secure by a neutrality, and have looked upon the miseries of the neighbouring provinces without any diminution of its people, or disturbance of its tranquillity; nor could any danger be dreaded, or any inconvenience be felt, but from an open declaration in favour of the Pragmatic Sanction.

Why the hire of troops of any particular country should be considered as an act of submission to it, or of dependency upon it, I cannot discover; nor can I conceive for what reason the troops of Hanover should be more dangerous, or less popular at this than at any former time, or why the employment of them should be considered as any particular regard. If any addition of dominion had been to be purchased for the electorate by the united arms of the confederate army, I should, perhaps, be inclined to censure the scheme as contrary to the interest of my native country; nor shall any lord more warmly oppose designs that may tend to aggrandize another nation at the expence of this. But to hire foreigners, of whatever country, only to save the blood of Englishmen, is, in my opinion, an instance of preference which ought to produce rather acknowledgments of gratitude than sallies of indignation.

Upon the most exact survey of this debate, I will boldly affirm, that I never heard in this House a question, so untenable in itself, so obstinately or so warmly debated: but I hope, that the sophistries which have been used, however artful, and the declamations which have been pronounced, however pathetic, will have no effect upon your lordships. I hope, that as the other House has already agreed to support the auxiliaries which have been retained, and which have been proved in this debate, to be retained for the strongest reasons and the most important purposes, your lordships will show, by rejecting this motion, that you are no less willing to concur in the support of public faith; and that you will not suffer posterity to charge you with the advancement of France, and the ruin of Europe.

The question being then put upon lord Stanhope's motion, it was resolved in the negative by 90 voices against 35.

*Protest against rejecting Lord Stanhope's Motion.*] The Protest entered on the Journals upon this occasion is as follows:

"Dissentient'

Gower, C. P. S. Cobham.

1. "Because we apprehend, that the assembling an army in Flanders last year without the concurrence of the States General, was a measure not only unwarranted by any advice or consent of parliament, but directly repugnant to the declared sense of the House of Commons in their Resolution of the 23rd of March last; it not appearing to us, that any one power, engaged by treaty, or bound by interest to support the queen of Hungary, except England alone, had come in to give her any assistance, or to co-operate with us in any plan to which an army in Flanders could be supposed to conduce; and therefore the support then promised by that House to his majesty, upon an express conditional supposition of being joined by such other powers, is so far from authorising a measure entered upon in circumstances totally different, that it plainly points out the opinion of parliament against such an undertaking.

2. "Because the taking 16,000 Hanoverians into the service of Great Britain, to act in conjunction with the English forces assembled in Flanders, without consulting the parliament upon an affair of such an important and delicate nature

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(although it was foreseen and pointed out by the king to both Houses of Parliament at the close of the last session, and is expressly referred to in his majesty's speech at the opening of this) seems to us highly derogatory to the rights, honour and dignity of the great council of the nation, and a very dangerous precedent to future times.

3. "Because the restoring the balance of power in Europe, by raising the House of Austria to its former condition of influence, dominion and strength, is an object quite unattainable by the arms of Great Britain alone: and for the attaining of which, no other power has joined, or is likely to join with us in any offensive engagements, either against the emperor, or against France.

4. "Because such assistance to the queen of Hungary, as the situation of her affairs, and that of all Europe, as well as the particular interest and policy of this island require, would have been more properly given in money, with much less expence and danger to us, with much more effect and advantage to our ally. The 38,000 men, now said to be paid for her service, costs this nation 1,400,000*l.* one half of which sum would have enabled her to maintain a greater number of men capable of acting wherever her affairs might require; so that above 700,000*l.*, seems to be wantonly lavished away upon this occasion, besides the lives of many of the subjects of Great Britain.

5. "Because we apprehend, that the troops of the elector of Hanover cannot be employed to act in Germany against the head of the empire, whose title and cause have been avowed by the whole body, in granting him an aid of fifty Roman months for his support in this very war, without incurring the risk of such consequences upon any ill success, as neither consists with the safety of Hanover, nor with the prudence of England; in which apprehension we are strongly confirmed by those troops not having acted in opposition to marshal Maillebois, at a juncture of time when such an assistance, given to the queen of Hungary, might have been decisive; and for losing which opportunity, no other natural or probable reason appears.

6. "Because the assembling an army in Flanders, not then attacked by the French, nor, as it appears to us, in any danger of being attacked, could be of no use to the power we designed to assist, nor give any hindrance or terror to France, with regard to the designs she was then pursuing; but may, in its future consequences, probably tend to draw the arms of that crown into those parts, where they can act with the greatest advantage, and engage this nation as principals in a land war, the expence and danger of which are much more certain and evident, than the support we shall find in it from other powers, or the means we shall have of carrying it on.

7. "Because we observe with the utmost concern, that while Great Britain is exhausting itself, almost to ruin, in pursuance of schemes pretended to be founded on our engagements to the queen of Hungary, the electorate of Hanover, though under the same engagements, as well as under the same prince, does not appear to contribute any thing as an ally to her assistance, but is paid by Great Britain for all the forces it has now in the field; and the bargain made for those forces, is much more disadvantageous to us, than what we concluded with that electorate in the year 1702. For, in the convention, then signed, there is no stipulation, either for levy money, or for recruit money, with both which we are charged in the present demand, besides other extraordinary articles; and we conceive, that the article of levy money, amounting alone to no less a sum than 139,313*l.* is a more particular hardship upon us, because it is known to all the world, that the 16,000 men were not levied at the request, nor for the service of England; but that the only addition made to the usual establishment of the electoral forces in time of peace, was 6,000 men raised some time before, upon the death of the late emperor, and for the service of his majesty's German dominions; nor can we help observing, that when we contracted for Hanover troops in June, 1702, their pay did not commence until the beginning of that very month in which some had already taken the field, and the rest were actually upon their march; so that the contract being only to the first of January following, England received the benefit of the service of those troops during a whole campaign, for the pay of seven months only; whereas, by now taking those troops into pay, on the 31st of August 1742 (that is a month before they began their march into Flanders) until the 26th of December, 1743, we shall give them sixteen months pay for the service of one campaign only, if they

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should ever make a campaign at all; so that Hanover not only receives the great and immediate profit of this advantageous bargain, but is also exonerated of above half the number of forces, which it used to maintain in times of the most profound tranquillity.

8. "Because the making so unnecessary a bargain, in so very unthrifty a manner, when this nation is groaning under so heavy a load of debts and taxes, engaged in a maritime war, at a mighty expence, and with doubtful success, maintaining a great national army abroad; and at the same time burdened at home with 23,000 men (the use of which we cannot discover) over and above 11,550 marines, excites in our minds the most alarming and melancholy apprehensions of the dissatisfaction and jealousy that may arise in the breasts of his majesty's most faithful subjects, if ever the servile ambition of any minister should attempt to gain, and to taint the royal ear, by a mistaken adulation to an imagined partiality (which we are persuaded does not, and cannot exist) in the behalf of an interest, foreign to that of this kingdom, were it ever to be suspected from any such new and surprising appearances, that this nation could be engaged in the most expensive, chimerical and dangerous scheme, entered into without the advice or approbation of parliament; that its treasure could be exhausted, its honour exposed, and its safety risked, for no other end than to advance that foreign interest, and make such a compliance the price of favour and power: we are convinced it would be attended with more alienation of the hearts of the people from his majesty's person and family, than almost any other mismanagement could ever produce. We therefore think it the highest duty we owe to our king and country, to enter our timely protest against the approach of so fatal a mischief, to deprecate the pernicious effects of it in the most solemn manner we can, and to express our earnest desire, that this motion had been complied with, in order to stop an evil in its beginnings, by the prudent and salutary intervention of one House of Parliament, which by the encreasing corruption of ministers, may be extended so far, as either to throw this nation into the greatest disorder, or reduce it to a state of the meanest dependency.——*(Signed)* Chesterfield, Rockingham, Westmoreland, Beaufort, Shaftsbury, St. John, Montjoy, Bedford, Stanhope, Bridgewater, Sandwich, Aylesbury, Haversham, Hereford, Talbot, Coventry, Oxford and Mortimer, Northampton, Aylesford, Litchfield, Denbigh, Craven, Abingdon, Foley."

The Motion for discharging the Hanoverian troops being thus rejected,

The Earl of *Scarborough* rose and said:

My lords; it has been justly observed in the debate of this day, that the opinions of the people of Great Britain are regulated in a great measure by the determinations of this House; that they consider this as the place where truth and reason obtain a candid audience, as a place sacred to justice and to honour, into which passion, partiality and faction have been very rarely known to intrude; and that they therefore watch our decisions as the great rules of policy and standing maxims of right, and readily believe those measures necessary in which we concur, and that conduct unblamable which has gained our approbation.

This reputation, my lords, we ought diligently to preserve by an unwearied vigilance for the happiness of our fellow-subjects; and while we possess it, we ought likewise to employ its influence to beneficial purposes, that the cause and the effect may reciprocally produce each other, that the people, when the prosperity which they enjoy by our care inclines them to repose in us an implicit confidence, may find that confidence a new source of felicity; that they may reverence us, because they are secure and happy, and be secure and happy, because they reverence us.

This great end, my lords, it will not be very difficult to attain; the foundation of this exalted authority may easily be laid, and the superstructure raised in a short time; the one may be laid too deep to be undermined, and the other built too firmly to be shaken; at least they can be impaired only by ourselves, and may set all external violence at defiance.

To preserve the confidence of the people, and consequently to govern them without force, and without opposition, it is only necessary that we never willingly deceive them, that we expose the public affairs to their view, so far as they ought to be made public, in their true state, that we never suffer false reports to circulate under the sanction of our authority, nor give the nation reason to think we are satisfied, when



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we are in reality suspicious of illegal designs, or that we suspect those measures of latent mischiefs with which we are in reality completely satisfied.

But it is not sufficient, my lords, that we publish ourselves no fallacious representations of our counsels; it is necessary likewise, that we do not permit them to be published, that we do obviate every falshood in its rise, and propagate truth with our utmost diligence: for if we suffer the nation to be deceived, we are not much less criminal than those who deceive it; at least we must be confessed no longer to act as the guardians of the public happiness, if we suffer it to be interrupted by the dispersing of reports which we know to be at once false and pernicious.

Of these principles, which I suppose will not be contested, an easy application may be made to the business of the present day. A question has been debated with great address, great ardour, and great obstinacy, which is in itself, though not doubtful, yet very much diffused, complicated with a great number of circumstances, and extended to a multitude of relations; and is therefore a subject upon which sophistry may very safely practise her arts, and which may be shown in very different views to those, whose intellectual light is too much contracted to receive the whole object at once. It may easily be asserted by those who have long been accustomed to affirm without scruple whatever they desire to obtain belief, that the arguments in favour of the motion, which has now been rejected by your lordships, were unanswerable; and it will be no hard task to lay before their audience such reasons as, though they have been easily confuted by the penetration and experience of your lordships, may, to men unacquainted with politics and remote from the sources of intelligence, appear very formidable.

It is therefore not sufficient, that your lordships have rejected the former motion, and shewn, that you do not absolutely disapprove the measures of the government, since it may be asserted, and with some appearance of reason, that barely not to admit a motion by which all measures of the last year would have been at once overturned and annihilated, is no proof that they have been fully justified and warmly confirmed, since many of the transactions might have been at least doubtful, and yet this motion not have been proper.

In an affair of so great importance, my lords, an affair in which the interest of all the western world is engaged, it is necessary to take away all suspicions, when the nation is about to be involved in a war for the security of ourselves and our posterity; in a war which, however prosperous, must be at least expensive, and which is to be carried on against an enemy who, though not invincible, is in a very high degree powerful. It is surely proper to shew in the most public manner our conviction, that neither prudence nor frugality has been wanting, that the inconveniences which will be always felt in such contentions, are not brought upon us by wantonness or negligence, and that no care is omitted by which they are alleviated, and that they may be borne more patiently, because they cannot be avoided.

This attestation, my lords, we can only give by a solemn address to his majesty of a tendency contrary to that of the motion now rejected; and by such an attestation only can we hope to revive the courage of the nation, to unite those in the common cause of liberty whom false reports have alienated or shaken, and to restore to his majesty that confidence, which all the subtilties of faction have been employed to impair. I therefore move, "That in the unsettled and dangerous situation of affairs in Europe, the sending a considerable body of British forces into the Austrian Netherlands, and augmenting the same with 16,000 of his majesty's electoral troops, and the Hessians in the British pay, and thereby in conjunction with the queen of Hungary's troops in the Low Countries, forming a great army for the service of the common cause, was a wise, useful, and necessary measure, manifestly tending to the support and encouragement of his majesty's allies, and the real and effectual assistance of the queen of Hungary, and the restoring and maintaining the balance of power, and has already produced very advantageous consequences."

The Earl of *Oxford*:

My lords; the necessity of supporting our reputation and of preserving the confidence of the public, I am by no means inclined to dispute, being convinced, that from the instant in which we shall lose the credit, which our ancestors have delivered down to us, we shall be no longer considered as a part of the legislature, but be treated by the people only as an assembly of hirelings and dependents, con-



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vened at the pleasure of the court to ratify its decisions without examination, to extort taxes, promote slavery, and to share with the ministry the crime and the infamy of oppression.

For this reason it is undoubtedly proper, that we avoid not only the crime, but the appearance of dependence, and that every doubtful question should be freely debated, and every pernicious position publicly condemned; and, that when our decisions are not agreeable to the opinion or expectations of the people, we should at least shew them, that they are not the effects of blind compliance with the demands of the ministry, or of an implicit resignation to the direction of a party. We ought to shew, that we are unprejudiced and ready to hear truth, that our determinations are not dictated by any foreign influence, and that it will not be vain to inform us, or useless to petition us.

In these principles I agree with the noble lord who has made the motion; but in the consequences which are on this occasion to be drawn from them, I cannot but differ very widely from him; for, in my opinion, nothing can so much impair our reputation as an address like that which is proposed; an address not founded either upon facts or arguments, and from which the nation can collect only, that the protection of this House is withdrawn from them, and that they are to perish as a sacrifice to the interest of Hanover.

Let us consider what we are now invited to assert; and it will easily appear, how well this motion is calculated to preserve and to advance the reputation of this House. We are to assert, my lords, the propriety of a new war against the most formidable power of the universe, at a time, when we have been defeated and disgraced in our contests with a kingdom of inferior force. We are to declare our readiness to pay and raise new taxes, since no war can be carried on without them, at a time when our commerce, the great source of riches, is obstructed; when the interest of debts contracted during a long war, and a peace almost equally expensive, is preying upon our estates; when the profits of the trade of future ages, and the rents of the inheritances of our latest descendants, are mortgaged, and what ought yet more to affect us, at a time when the out-cry of distress is universal, when the miseries of hopeless poverty have sunk the nation into despair, when industry scarcely retains spirit sufficient to continue her labours, and all the lower ranks of mankind are overwhelmed with the general calamity.

There may perhaps be some among your lordships, who may think this representation of the state of the public exaggerated beyond the truth. There are many in this House who see no other scenes than the magnificence of feasts, the gaieties of balls, and the splendour of a court; and it is not much to be wondered at, if they do not easily believe, what it is often their interest to doubt, that this luxury is supported by the distress of millions, and that this magnificence exposes multitudes to nakedness and famine. It is my custom, when the business of the parliament is over, to retire to my estate in the country, where I live without noise, and without riot, and take a calm and deliberate survey of the condition of those that inhabit the towns and villages about me. I mingle in their conversation, and hear their complaints; I enter their houses, and find by their condition, that their complaints are just; I discover, that they are daily impoverished, and that they are not able to struggle under the enormous burthens of public payments, of which I am convinced, that they cannot be levied another year without exhausting the people, and spreading universal beggary over the nation.

What can be the opinion of the public, when they see an address of this House, by which new expences are recommended? Will they not think that their state is desperate, and that they are sold to slavery, from which nothing but insurrections and bloodshed can release them? If they retain any hopes of relief from this House, they must soon be extinguished, when they find in the next clause, that we are sunk to such a degree of servility as to acknowledge benefits which were never received, and to praise the invisible service of our army in Flanders.

If it be necessary, my lords, to impose upon the public, let us at least endeavour to do it less grossly; let us not attempt to persuade them, that those forces have gained victories, who have never seen an enemy, or that we are benefited by the transportation of our money into another country.

If it be necessary to censure those noble lords who have supported the former motion, and to punish them for daring to use arguments which could not be confuted; (for this is the apparent tendency

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of the present motion,) let us not lose all consideration of ourselves, nor sacrifice the honour of the House to the resentment of the ministry.

For my part, my lords, I shall continue to avow my opinion in defiance of censures, motions, and addresses; and as I struggled against the former ministry, not because I envied or hated them, but because I disapproved their conduct, I shall continue to oppose measures equally destructive with equal zeal, by whomsoever they are projected, or by whomsoever patronised.

The Earl of *Chesterfield:*

My lords; after so full a defence of the former motion as the late debate has produced, it is rather with indignation than surprise, that I hear that which is now offered. It has been for a long time the practice of those, who are supported only by their numbers, to treat their opponents with contempt, and when they cannot answer to insult them; and motions have been made, not because they were thought right by those who offered them, but because they would certainly be carried, and would by being carried mortify their opponents.

This, my lords, is the only intent of the present motion, which can promote no useful purpose, and which, though it may flatter the court, must be considered by the people as an insult; and therefore, though I believe all opposition fruitless, I declare that I never will agree to it.

And to shew, my lords, that I do not oppose the ministry for the sake of obstructing the public counsels, or of irritating those whom I despair to defeat, and that I am not afraid of trusting my conduct to the impartial examination of posterity, I shall beg leave to enter, with my protest, the reasons which have influenced me in this day's deliberation, that they be considered when this question shall no longer be a point of interest, and our present jealousies and animosities are forgotten.

The question being then put upon lord Scarborough's motion, the same was agreed to. Ayes 78, Noes 35.

*Charitable Corporation Petition.**] January 21. The order of the day being read, for taking into consideration the Petition of the Charitable Corporation for relief of industrious poor, by assisting them with small sums, upon pledges, at legal interest, for leave to bring in a Bill, to appoint commissioners, to make the in-

* *From the Secker Manuscript.*

Jan. 21. Petition of the Charitable Corporation.

Lord Darnley moved that Commissioners might be appointed by parliament to state the accounts which the Chancellor had decreed. Lord Carteret objected, that one party or other might, for ought we knew, within 5 years appeal from the decree, and in the mean time we could not interpose. Lord Warwick said, we had only the assertions of the petitioners before us, and that commissioners might be as slow as Masters in Chancery, and it was going out of the road. The duke of Bedford answered, that appointing commissioners would not hinder an appeal, and if there was one they must stand still till it was heard, just as the Masters must, and if there was none, the matter would go on quicker in their hands than in the common way: that in private causes the length of time before the Masters is a great hardship, and in this cause there could be no end: that it was desired the commissioners should be Masters, but confined to a short time: that there were 5 persons appointed by parliament to settle the accounts of this Corporation before, and no more is desired now: that in things of consequence new precedents may be made, and one use of the parliament is to make them: that unfair delays have been used as much as possible, and kept the cause eight years depending. That where numerous parties are concerned, each side should appoint a representative to avoid delays: that in the committee, information might be received as to the methods of settling this affair, and he hoped the Chancellor would now speak to it and direct the House. This last he pressed very much; but the Chancellor did not speak, but got lord Cholmondeley to oppose the motion, who said nothing material: It was then rejected without a division. They say the Chancellor may appoint two Masters to sit *de die in diem*.

Some days after this, Mr. Grove, one of the managers for the Proprietors, told me, that he and the rest were well pleased with the rejection of the Petition, which they had presented only to shew the other proprietors, that they would go as far as they could, but that they had now spent the 30,000*l.*, which was the remainder of the stock of the Corporation, and there would be nothing to be got were the account to be taken ever so soon, the persons of whom the demand was first to be made, being dead or beyond seas, or insolvent, and sir R. Sutton having sworn himself not to be worth 300*l.* a year. He says the directors lost 200,000*l.* in East India stock, and that 43,000*l.* was given, it doth not appear to whom, to facilitate obtaining a charter, and that sir R. Sutton had 27,000*l.* of it.

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quiries, and take the accompts, directed by a decree lately made in the court of Chancery. The said Petition was also read.

Then it was moved, "That the judges be ordered to prepare a Bill, for appointing commissioners, with proper powers, in a summary way, to make the enquiries, and take the accompts, directed by the said decree, pronounced the 18th of August last, in a cause wherein the petitioners were plaintiffs, and Sutton and others defendants; and to enable such commissioners to proceed, notwithstanding any abatements by death, during any examination of the matters to them referred." Which being objected to; and after debate thereupon, the question was put upon the said motion. And it was resolved in the negative.

Ordered that the said Petition be rejected.

*Debate in the Lords on the Spirituous Liquors Bill.**] February 15. The Lords read a first time a Bill from the Commons, "For repealing certain Duties on Spirituous Liquors, and on Licences for retailing the same; and for laying other Duties on Spirituous Liquors, and on Licences for retailing the said Liquors."†

February 21. The Lords ordered several Papers to be laid before them concerning the Distilling Trade; and a mo-

* From the London Magazine, for October, 1743.

† "The most severe opposition the new ministers underwent, was in their endeavours to support a Bill which they had concerted, and which had passed through the House of Commons with great precipitation: It repealed certain duties on spirituous liquors, and licences for retailing these liquors; and imposed others at an easier rate. When these severe duties, amounting almost to a prohibition, were imposed, the populace of London were sunk into the most brutal degeneracy, by drinking to excess the pernicious spirit called gin, which was sold so cheap that the lowest class of the people could afford to indulge themselves in one continued state of intoxication, to the destruction of all morals, industry, and order. Such a shameful degree of profligacy prevailed, that the retailers of this poisonous compound set up painted boards in public, inviting people to be drunk at the small expence of one penny; assuring them they might be dead drunk for two-pence, and have straw for nothing. They accordingly provided cellars and places strewed with straw, to which they conveyed those wretches who were overwhelmed with intoxication. In these dismal caverns they lay until they recovered some use of their faculties, and then they had recourse to the same mischievous potion; thus consuming their health, and ruining their families, in hideous receptacles of the most filthy vice, resounding with riot, execration, and blasphemy. Such beastly practices too plainly denoted a total want of all police and civil regulations, and would have reflected disgrace upon the most barbarous community. In order to restrain this evil, which was become intolerable, the legislature enacted that law which we have already mentioned. But the populace soon broke through all restraint. Though no licence was obtained, and no duty paid, the liquor continued to be sold in all corners of the streets: informers were intimidated by the threats of the people; and the justices of the peace, either from indolence or corruption, neglected to put the law in execution. The new ministers foresaw that a great revenue would accrue to the crown from a repeal of this act; and this measure they thought they might the more decently take, as the law had proved ineffectual: for it appeared that the consumption of gin had considerably increased every year since those heavy duties were imposed. They, therefore, pretended, that should the price of the liquor be moderately raised, and licences granted at twenty shillings each to the retailers, the lowest class of people would be debarred the use of it to excess: their morals would of consequence be mended; and a considerable sum of money might be raised for the support of the war, by mortgaging the revenue arising from the duty and the licences. Upon these maxims the new Bill was founded, and passed through the lower House without opposition: but among the peers it produced the most obstinate dispute which had happened since the beginning of this parliament. The first assault it sustained was from lord Hervey, who had been divested of his post of privy-seal, which was bestowed on lord Gower; and these two noblemen exchanged principles from that instant. The first was hardened into a sturdy patriot; the other suppled into an obsequious courtier. Lord Hervey, on this occasion, made a florid harangue upon the pernicious effects of that destructive spirit they were about to let loose upon their fellow-creatures. Several prelates expatiated on the same topics: but the earl of Chesterfield attacked the Bill with the united powers of reason, wit, and ridicule. Lord Carteret, lord Bathurst, and the earl of Bath, were numbered among its advocates; and shrewd arguments were advanced on both sides of the question. After very long, warm, and repeated debates, the Bill passed without amendments, though the whole bench of bishops voted against it: and we cannot help owning, that it has not been attended with those dismal consequences which the lords in the opposition foretold." Smollett.

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tion being made by lord Hervey, That Dr. Mead, Dr. Lee, and Dr. Barker, do attend this House to-morrow, upon the second reading of the above Bill; the same was objected to. After debate; the question was put upon the said motion, and it was resolved in the negative.

Ordered, That the commissioners of excise do attend this House to-morrow, upon the second reading of the said Bill.

February 22. The said Bill was read a second time. On the motion that it be committed,

Lord *Hervey* rose and said:

My lords; the very first appearance of this Bill in this House, gave me a most extraordinary, a most shocking and melancholy surprise. Considering how much, and how lately, the practice of gin-drinking was condemned, considering how much it must be condemned by every man who has in his breast the least spark of compassion for his fellow creatures, I was surprised to find, that such a method of raising money had entered into the head of any of my countrymen: I was surprised to find, that such a method had been approved of by the other House: I was astonished to hear of its having passed through that House without any great opposition; and my astonishment was accompanied with this melancholy reflection, that I looked on it as the last effort of the expiring credit of my country. We have already established, we have mortgaged almost every fund that can with decency be thought of; and now, in order to raise a new fund, we are to establish the worst sort of drunkenness by a law, and to mortgage it for defraying an expence, which, in my opinion, is both unnecessary and ridiculous. This is really like a tradesman's mortgaging the prostitution of his wife or daughter, for the sake of raising money to supply his luxury or extravagance.

Drunkenness, my lords, is of all vices the most abominable, and of all sorts of drunkenness, that of getting drunk with gin is the most destructive. It is not only the most destructive with respect to the health and vigour of the patient, but also with respect to the health and vigour of the state, because it prevails most among our most necessary and useful sort of people. Our poor labourers are the support of our trade, our manufactures, our riches, nay, and our luxury too. This vice, if it be indulged, will destroy those we have, and prevent the procreation of any to succeed them. It will destroy our soldiers: it will destroy our seamen. It renders men too feeble for labour, too indolent for application, too stupid for ingenuity, and too daring for the peace of society. I will therefore consider this Bill in three lights, as it concerns the health of the people, as it concerns their morals, and as it concerns the public quiet.

With regard to the health of the people, if your lordships had agreed to the motion I made the other day, you would now have had, *viva voce*, the opinion of those who are the best judges, as to the fatal effects of the immoderate use of gin, upon the constitution and health of those that fall into that sort of debauchery. But since your lordships would not agree to have it, *viva voce*, I have been at the pains to get it in writing, and shall beg leave to read it to you. It is a representation of the college of physicians in the year 1736, when this affair was last under the consideration of parliament; and I have good reason to believe, that none of the subscribers have since altered their opinion. (Here he read the Representation, as also the names of those that subscribed it, and then went on as follows). Your lordships all know the capacity and experience of those who signed this Representation, and you see how positively they declare, both from reason and experience, that this poisonous liquor destroys the health and vigour not only of those who fall into an immoderate use of it, but also of their unhappy children, so that the latter either die in their infancy of the poison they suck in with the milk of their mother, or if they live, they become a burden upon, instead of being of use to the society to which they belong. Will your lordships, when you consider this, grant a licence to every little alehouse in the kingdom to dispense this poison, in what quantities they please, to their inconsiderate and unfortunate customers? Can any distress, or any necessity we may be under at present, authorize our exposing the people to such a baneful, and, at the same time, such a bewitching temptation?

Then, my lords, with regard to the morals of the people, it is well known that drunkenness of every kind inflames all the passions of mankind, and at the same time deprives them of that which is designed by nature as a check upon our passions, I mean our reason; so that every man,

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whilst the drunken fit is upon him, may in some degree be said to be mad, and of all sorts of drunken madness, that which proceeds from an excessive drinking of spirituous liquor is the most extravagant, the most malicious, and the most cruel. The most horrid imprecations, the most open and detestable prostitutions and pollutions, the most daring and cruel robberies and murders, are generally the effect of getting drunk with such liquors. This we were fully convinced of by experience in the year 1736, when the law was passed, which is now to be repealed; and from hence many of our most eminent divines, and some who are now most deservedly honoured with seats in this House, took occasion to make this vice the subject of several sermons, one of which I remember has this just and pathetic expression, 'That even necessity itself was now become luxurious.' It was so, my lords: the hungry, the naked, by the easy and cheap access they had to the liquor called gin, were become luxurious in this sort of liquor, and rather than go without it, they often went without a dinner, nay they sometimes pawned the only rag they had to cover their nakedness. The reason of such a conduct may be easily guessed at: when they got drunk with this liquor, which they could do in a very short time, and at an easier rate than would purchase a dinner of the coarsest food for their families, it for a time appeased the cravings of appetite, deafened their ears to the cries of their starving children, and delivered them from the sense of shame, and the pangs of remorse. Their wickedness led them into crimes, and they got drunk again to forget the crimes they had been guilty of, which generally produced a new scene of villainy or wickedness.

This, my lords, was the effect, this will be the effect of a toleration of public gin-shops under any denomination whatever, with regard to the morals of the people: and with respect to the public quiet, it may produce still more fatal effects; for when those that are made desperate by their poverty, are rendered void of all fear by their being drunk with gin, no man can say what they will not undertake. I shall grant, that such men cannot enter into any regular concert for disturbing or overturning the government; but if any accidental public misfortune should render the people generally inclined to mutiny, an insurrection begun by a parcel of drunken fellows at a gin-shop, might soon grow to such a height as might occasion the overthrow of our government, or at least a great deal of bloodshed. The first mutineers would probably be joined by all those in the same condition, from the several gin shops in town; and this alone would produce such a multitude, as might give hopes of success to the more sober and thoughtful, especially among those who have nothing to lose but their lives; and if such a mob as this should get the reins of government into their hands, I must desire your lordships, and all the men of property in the kingdom, to consider what security you could have for your money, your goods, your estates, or your lives. A mob of this kind might, perhaps, proceed upon the same levelling maxims with that under Wat Tyler, in the reign of Richard the 2nd. They might resolve to destroy all the nobility and gentry in the kingdom; and their being drunk with gin would make them pursue their maxims with more rapidity and cruelty, if possible.

But now, my lords, to confirm all I have said against tolerating in any shape the free use of this pernicious liquor, I shall beg leave to read to you the preamble to the act of the 2d year of his present majesty's reign, for laying a duty upon compound waters, and for licensing the retailers of such waters. The preamble is in these words: 'Whereas the drinking of 'spirits and strong waters is become very 'common amongst the people of inferior 'rank, and the constant and excessive 'use thereof tends greatly to the destruc'tion of their healths, enervating them, 'and rendering them unfit for useful la'bour and service, intoxicating them, and 'debauching their morals, and driving 'them into all manner of vices and wick'edness, the prevention whereof would 'be of the greatest public good and bene'fit. And whereas, it is found by expe'rience, that the great temptation to such 'licentious use of these pernicious liquors 'is from the cheapness thereof, occasioned 'by new inventions for mixing and com'pounding of brandy, low wines, and 'spirits of the first extraction, on which 'duties have been heretofore granted, 'with other spirits or materials which pay 'little or no duty, and by an unlimited li'berty for all sorts of persons, to retail, 'sell, and dispose of such mixed and com'pound spirits at their will and pleasure: 'for remedy therefore of customs and 'practices so dangerous and mischievous

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'to the health, manners, and peace of all 'your majesty's subjects, may it please 'your most excellent majesty that it may 'be enacted, and be it enacted, &c.'

These, my lords, are the words of that preamble: these words shew what your lordships' opinion was at that time; and I should be glad to know what reasons you have for altering your opinion. When I look round me, I see many lords here who were members of this or the other House at that time, and who declared this to be their opinion by giving their assent to this preamble: I am glad to see so many of such lords here now, not only on account of the pleasure it gives me to see their lives prolonged, but because I must from thence suppose, that this Bill will be rejected, unless some of them have changed their opinion as to the use of these liquors, and if they have, I hope, they will give us their reasons for such change; for I am sure, I can suggest none to myself. On the contrary, the great consumption of these liquors, notwithstanding the high duties, or rather prohibition, they have lain under for five or six years past, convinces me, that the inclinations of the lower sort of people are as strong as ever, to intoxicate themselves with these liquors; and indeed common reason may convince us of the same, for we know the power of custom in many things, as ridiculous, though not so pernicious, as this of drinking gin. It is very hard to forsake what we have been long accustomed to, if by any means we can comply with it; and the custom of drinking drams of any kind is, we know, as hard to get free from as any custom whatever; therefore, I foresee, that if you again open gin-shops under the denomination of coffee-houses or ale-houses, we shall presently have a new deluge of all those calamities, which were so severely felt, and so much complained of in the year 1736.

I shall grant, my lords, the law then made has not proved effectual, and, indeed, no reasonable man expected it should; because by making the prohibition so whimsically general, you gave a thorough turn to the spirit of the people, and turned their contempt of gin-selling and gin-drinking into a sort of compassion, which made the informers liable to be so ill treated by the mob. Whereas, if you had laid such a duty upon the still-head, as would have raised the price of all home-made spirits as high as that of brandy or rum, and made proper regulations for preventing the continuing of licences to such as made an ill use of them, it would have put it out of the power of indigent persons to get drunk with such liquors, and the fury of the mob would have been directed against any man that offered to sell them in a clandestine way, I believe, with more violence, and, I am sure, with more reason than it is now directed against little clandestine brothel-houses. Every tradesman, every mechanic, every day-labourer, would have looked upon a clandestine smuggling gin-house as a trap for his wife, his son, or his daughter, and the whole neighbourhood would have rejoiced to see the keeper of such a house sent to Bridewell. Even the poorest sort would have considered, that if they or any of their family wanted a single dram upon an emergency, they might, and could afford to purchase it at the next ale-house; but when the poor found themselves at once totally excluded from the use of any sort of spirituous liquors, and the rich, I mean those who could purchase two gallons, at the same time indulged with as free, and as cheap an use of it as ever they had before, it so raised their indignation, that it was impossible to suppose, the law could be executed in any, much less in a free country.

Such a law as this, my lords, would have put an effectual end to all the evils that were then, or are now complained of; but can this be expected from, can it be said to be the design of this Bill? No, my lords: the design is plainly to encourage this abominable and pernicious vice, and to make it a fund for bringing money into his majesty's exchequer. Is this consistent with the public good? Is it consistent with the common rules of humanity? Is it consistent with common prudence? A famous writer upon Ways and Means* has many years ago told us, that where the use of any commodity is pernicious to the interest of the nation, or prejudicial to the health of the people, such an excise may there be laid, as may amount to a prohibition of the commodity; for which reason he even then advised laying such a duty upon brandy and spirits, as might amount to a prohibition; for, says he, the loss to the king's revenue would be recompensed by an increase in the customs upon wine, and in the excise upon other liquors, the consumption whereof they undoubtedly hinder, as well as that of flesh and corn. And

* Dr. Davenant.

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to this I will add, that if any duty at all be laid upon any such commodity as this author mentions, the parliament ought to take care to make it such a duty as may very near amount to a prohibition; for let the use of it be never so pernicious to the interest of the nation, or prejudicial to the health of the people, if it be made a fund for bringing money into the king's exchequer, the king's ministers will encourage the consumption, and will neglect to execute, or pervert any laws you can make for preventing or diminishing that consumption.

This, I affirm, my lords, will be the consequence, and every man who considers, must from experience assent to what I affirm. Too great a number of ale-houses or taverns is certainly a nuisance, and of the most pernicious consequence both to the health and the industry of the people, which was the reason for introducing the custom of granting licences: when this custom was first established, no licence was granted, unless upon enquiry it was found, that such a house was in that place really wanted for the convenience of the neighbourhood, or for the accommodation of travellers; but since the high duties and excises have been laid upon wines, and upon beer and ale, has such an enquiry ever been made? Has not a licence been granted to every one that asked it? Has not the execution of our laws against drunkenness and tippling been most egregiously neglected? This, my lords, will be the consequence of the duty now proposed to be laid on gin. The duty proposed is not near so high as to amount to a prohibition: it is not so high as to prevent the excessive use of that liquor among the meanest sort of people: it is not designed as such: it is designed as a fund for bringing money into the king's exchequer; and therefore we may depend upon it, that the use of this commodity, and even the excessive use of it, will be encouraged, or at least connived at by the king's ministers, and by all those under their direction. The justices of peace may, perhaps, for the first year or two, refuse granting a licence to a house known to be designed to be made a gin-shop, under the pretence of being a coffee-house or ale-house; but they will soon have private directions, and a licence will be granted to every one that desires it.

I cannot therefore, my lords, consent to a Bill, which will so certainly tend to encourage the use, nay the excessive use of this pernicious commodity; and I am the more positively determined against this Bill, because I know the duty thereby to be imposed is to be made a fund for borrowing a large sum of money. If the duty were to be imposed but for a year or two, I should be under very little concern, because, I am convinced, the fatal consequences that will ensue from giving such a loose to the excessive use of this commodity, will soon oblige us to take some effectual method, if possible, for putting a stop to it; but when the duty is mortgaged, and a large new debt contracted upon the credit of it, we can take no method for putting a stop to the excessive use of this commodity, without mortgaging the Sinking Fund for the payment of that debt. For this reason I look upon the Bill now before us as a mask only for concealing a design to mortgage the Sinking Fund. It was supposed, and very reasonably supposed by those who have formed this design, that the parliament would not be prevailed with to mortgage the Sinking Fund, for supporting so romantic an expence as we now seem to be entering into; but, thought they, if we can prevail with the parliament to lay a small duty upon gin, and to mortgage that duty, with the Sinking Fund as a collateral security, the public safety will soon oblige them to annihilate the principal, and then the whole debt must fall upon the collateral security. This, I shall grant, is an ingenious contrivance, but it is easily seen through; and therefore your lordships must all be convinced, that the question now before you is, Whether you will agree to mortgage the Sinking Fund for supporting Hanover troops, that, in my opinion, can be of no service to us or any of our allies. This, my lords, is truly the case, and truth will at last break through that veil which is now thrown over it. The duties payable upon spirituous liquors sold by retail, and upon licenses for selling them by retail, make now a part of the Sinking Fund: these you are to abolish, and to impose new duties in their stead, upon which you are to raise a new debt. Is not this properly mortgaging a part of the Sinking Fund? But this is not all: by the loose you are now to give to the retailing of such liquors, the spirit will in a year or two become as general and violent against the public retailers of gin, as it was in the year 1736: you will then be obliged to annihilate the fund you are now creating, by laying such a duty on the still-head as will amount very near to a prohibition; and thus at last

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the debt contracted upon that fund must become a mortgage upon the Sinking Fund. This is therefore the true question now before you, Whether you will agree to mortgage the Sinking Fund? as this ought not, I think, to be done but in a case of the last extremity, and as no such case can be supposed to exist at present, I shall therefore be against committing the Bill.

Lord *Bathurst*:

My lords; as the noble lord who spoke last has often in this House given proofs of the acuteness of his discerning faculty: as no man who knows him can doubt of his great capacity, I am surprised, he should so far mistake the design of this Bill, as to suppose it intended to encourage or promote the excessive drinking of spirituous liquors of any kind. I shall readily agree with his lordship in all he has said about the fatal consequences of this vice: I shall grant, that it impairs the health and debauches the morals of those that are subject to it: I shall admit, that it may happen to be of dangerous consequence to the public quiet: but all this is an argument for the Bill rather than against it, because, I think, it is apparent, that this Bill, if passed into a law, will diminish at least the consumption of this liquor. I know, my lords, that the Bill now proposed to be repealed was designed as a total prohibition of the retail of all spirituous liquors: the duty laid upon all such liquors sold by retail, under two gallons, was so high, that no man could propose to retail them fairly; and the duty upon licences was so extravagant, that, I believe, the projector of the Bill did not expect that any man in the kingdom would take out a licence; and accordingly not above two, I think, in the whole kingdom did take out any such licence. That Bill was therefore designed as a total prohibition of the retail trade, and actually proved a prohibition of any fair trade in that way; but every one knows, it did not diminish the consumption, nor prevent the excessive use of spirituous liquors. They were not, it is true, retailed publicly and avowedly, but they were clandestinely retailed in every coffee-house and ale-house, and in many shops and private houses; so that the use and even the abuse of spirituous liquors continued as frequent, though not so apparent, as before the act was made, and the consumption rather increased than diminished, as appears from the amount of the duty for these last two years.

Thus, my lords, the case stands at present: the perniciousness of these liquors, when drank to excess, is upon all hands admitted: an attempt has been made to prevent this excess, but by doing too much we have done nothing. This Bill is therefore designed as a new experiment, in order to correct the faults of the former, and, I hope, it will have its effect. We find by experience, we cannot absolutely prevent the retailing of such liquors; because if we prevent their being retailed in an open fair way, they will be retailed in a clandestine smuggling manner. What then are we to do? Does not common sense point out to us the most proper method, which is, to allow their being publicly retailed, but to lay such a duty upon the still-head and upon licences, as, without amounting to a prohibition, will make them come so dear to the consumer, that the poor will not be able to launch out into an excessive use of them. This, I am persuaded, will be the consequence of what is now proposed: the duty proposed upon licences is so moderate, that every ale-house and coffee-house in the kingdom will take out a licence; consequently those liquors will be openly and fairly retailed by great numbers of people; but this duty, together with the duty proposed to be laid upon the still-head, will raise the price so, as to put it out of the power of the meaner sort of people to purchase too great a quantity of them, without putting it out of their power to have a single dram when it is absolutely necessary for the support of nature, which is often the case in this cold climate, especially in damp foggy weather, or in marshy or fenny parts of the country.

Thus, my lords, the additional duties will prevent the excess when the liquor is purchased from a fair retailer, and the great number of fair retailers will make it difficult for any one to retail in a clandestine manner. The law which is by this Bill to be repealed could not, we know, be executed, for want of informers whose veracity could be depended on. This will not be the case after this Bill is passed into a law; because every man who takes out a licence will be bound in interest to detect and inform against clandestine retailers, so that it is to be hoped there will be soon no such retailer in the kingdom; and it will be easy to keep fair retailers under some sort of order, because a man's



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licence may be taken from him, if he should appear to be one who encourages or allows excessive drinking of spirituous liquors in his house. I therefore wonder how it can be supposed, that this Bill will encourage or promote the excessive use of such liquors. Can this be supposed of a Bill which is designed to bring the retail of such liquors under proper regulations? Can it be supposed, that the doubling of the duty upon any commodity will encrease the consumption of it? 'Nitimur in vetitum' is I know a common proverb, and may be assigned as one of the reasons for the late increase in the consumption of spirituous liquors; but this reason is now to be taken away, and suppose the inclinations of the poor should continue as strong as before, I think, the impossibility of their being able to drink so much after this Bill is passed, as they did before, may be demonstrated; for as the duties are now to be doubled upon all home made spirits, and as experience has shewn, that when a duty of one penny is laid upon any commodity, the retailer lays another, it may be reckoned, that the same quantity of spirits will next year cost 500,000*l.* more than it did this year, which is a much larger additional sum than our poor gin-drinkers can possibly raise, and therefore they must necessarily retrench in the quantity they make use of, in proportion as the price is advanced.

I am therefore convinced, my lords, that this Bill will have an immediate effect as to the preventing of all clandestine retailing of spirituous liquors, which is in itself of great consequence, because it will enable the government in a great measure to prevent the excessive use; and this, I think, is the only grievance complained of, for I never heard that a single moderate dram, even of the pernicious liquor called gin, was either a crime or a sin; and whatever some abstemious and whimsical physicians may say, others will tell you, that a moderate dram of some sort of spirituous liquors or other, or what in their terms is called a cordial, is necessary upon many occasions for the relief or support of nature: nay, even the most abstemious among them will prescribe a dram or cordial, when they are paid the usual fee for their prescription, and their friend the apothecary a most extravagant price for what he purchases, as other gin retailers do, for a mere trifle from the distiller.

Beside this good effect, my lords, of preventing the clandestine retailing of gin, the Bill will certainly diminish the consumption, in my opinion, at least one third and this diminution will as certainly fall upon the abuse, and not upon the moderate use of this liquor; for when necessity requires, even the poor will still be able to purchase, but by the advance of the price, it will be put out of their power to commit a debauch, or, at least, not so frequently as they may now do; and if it should appear, that the price is still too low for preventing the poor from intoxicating themselves frequently with this liquor, you may double or treble the duty next session; for the duty itself, so far as I can find, is not to be mortgaged: it is only the duty upon licences that is to be mortgaged, and that duty, will I believe, continue to be a sufficient fund for all that is to be borrowed upon it, even though you should raise the duty upon the still-head so high as to amount to a prohibition of all home made spirits, which, on account of our British distillery, I hope you will never do. There is therefore no danger of the sinking fund's being mortgaged, by the money to be raised in consequence of this Bill, and if there were, if the sinking fund were now directly to be mortgaged, the circumstances we are in at present, and the dangerous circumstances the affairs of Europe are in, would be a sufficient excuse for it.

I shall grant, my lords, that in time of peace, the sinking fund ought to be deemed sacred, and ought never to be converted to any use but that of discharging a part of our public debts; but in time of war, and when the nation is in immediate danger, the most sacred treasure may and ought to be made use of, when it becomes necessary for our immediate preservation. For this reason, if the question now before us were really what the noble lord says it is, I should be under no difficulty in giving it an affirmative; because, I think, our very being, or at least our independency, must attend the fate of the present war in Germany; for if the German empire should be brought under a dependency upon France, which may probably be the event of the present war, if we do not most strenuously interpose, I am sure, we could not long support ourselves as a nation independent of that monarchy. But this, as I have shewn, is not the question now before us: the sinking fund may be added as a collateral security, because it is not known what the duty upon licences may produce; this is

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necessary for enabling the government to borrow money at a low interest; but I do not think the sinking fund is in the least danger of becoming liable to that debt, for which it is to be made a collateral security. And as the Bill now before us repeals a law which was always deemed whimsical, and has been found ineffectual: as it establishes a method for preventing the excessive use of spirituous liquors, which, I am convinced, will have a great effect; and as it will furnish the government with a sum of money which is necessary upon the present occasion, and which cannot, I think, be in any other way so conveniently raised, I shall be for having the Bill passed into a law, and consequently I shall be for the present motion.

The Bishop of *Oxford*:*

My lords; the question, which in this debate ought to be first discussed, is, Whether the retailing of spirituous liquors in small quantities ought at any rate to be permitted; and upon this question I can determine myself without the least hesitation: we may allow them to be dispensed, but we ought not, I wish we never had allowed them to be retailed. The drinking them to excess must by every one be condemned, and indeed the drinking of any strong or intoxicating liquors to excess must be condemned by every man who has either religion or common sense. But the difference between spirituous and other strong liquors lies in this; of all other strong liquors a man must drink a large quantity, and must be at it a long time, before he is quite deprived of his reason: he has time to reflect of what he is about, and, I am told, even the liquor itself becomes nauseous before a man can be quite fuddled; so that a man must put a sort of force upon himself, before he can swallow down so much of any other sort of strong liquor as to deprive himself of all sense and reason. But with spirituous liquor the case is vastly different: a small quantity, no more perhaps than a man can swallow down at a draught, deprives him of all reason and reflection, and the compounding distillers have contrived so many ways for rendering the spirit palatable, that it never grows nauseous, but on the contrary, the sot swallows it down with pleasure, even when he has scarcely the power to hold it to his head.

Thus your lordships see, that, with regard to the temptation, there is a very great difference between spirituous liquors and other sorts of strong liquors; and with regard to the consequences of drinking to excess, there is likewise a vast difference. An excess in strong liquors may make a man drunk, an excess in spirituous liquors makes him mad. A man who gets drunk with beer or ale, or even with wine, generally goes to sleep, he is seldom mischievous; but a man who gets drunk with spirituous liquors, seldom goes to sleep before he does mischief, either to himself or some other person. An habitual drinking of strong liquors to excess may bring the gout, but an habitual drinking of spirituous liquors to excess brings certain, and often sudden death. As the pernicious consequences of drinking spirituous liquors to excess are acknowledged even by those who appear as advocates for this Bill, I shall not insist much upon them, but permit me to remind your lordships of the horrible scenes that appeared publicly in our streets before passing the law, which you are now to repeal. Almost in every street we had two or three gin-shops filled with such company as no sober man could view without horror, and yet this was not the worst: there was an invisible scene still more horrible to think of; for they tell me, every one of these gin-shops had a back shop or cellar, strowed every morning with fresh straw, where those that got drunk were thrown, men and women promiscuously together: here they might commit what wickedness they pleased, and by sleeping out the dose they had taken, make themselves ready to take another, if they could find money to pay for it. These open scenes of wickedness we have got rid of by the law you are now to repeal. But this law, it is said, did not put a stop to the consumption: though spirituous liquors were not publicly, they were privately retailed as much as ever: I am sorry for it, my lords, but this shall never be an argument with me for allowing a public retail: I shall always be for confining vice as much as possible to holes and corners; and it must be allowed, that the temptation can never be so great or so general, as when we have a public shop at every corner, where a poor passenger is often drawn in by some friend, perhaps some female friend, and by variety of company and example, as well

* Dr. Thomas Secker, whose Manuscript Reports of the Debates in the House of Lords from 1735 to 1743, have so largely contributed to the value of this Collection.

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as by the nature of the liquor itself, is inticed to drink too much.

It is this temptation, my lords, which by public shops is thrown into every man's way, that makes me against admitting of any public retail, and I wish it were possible to prevent any private. I shall not take upon me to blame our magistrates and officers of justice; but if the law now in being be such a one as cannot be executed, surely it may, and ought to be amended. Surely some law may, and ought to be contrived, which may be executed; for even the private retail of spirituous liquors produces daily most terrible mischiefs. But the other day, as I have been credibly informed, there were two children murdered by giving them a spoonful of that pernicious liquor called gin, and many children are murdered in the womb, or upon the breast, by the mother's drinking too plentifully of that inticing and bewitching liquor, which is certainly poisonous, when taken in too great a quantity, and the poison is the more dangerous, because it never nauseates, but, on the contrary, provokes a second draught, the second a third, and so on, till the unhappy patient has taken too great a dose; and when one dose is wore off by sleep, it leaves such a languor as makes a new dose necessary for recruiting the spirits, which is the reason, that those who once begin to debauch in this sort of liquor, seldom give over repeating the dose, till they have dosed themselves into their graves. Poisons, my lords, of all sorts, ought to be confined to the apothecary's shop, where the master's character, and even his bread, depends upon his not administering too great a dose to any person whatever, and where the price is generally too high for any poor man to commit a debauch. Will you then commit the care of dispensing this poison to every ale-house-keeper in the kingdom, I may say to every man in the kingdom, who is willing to pay half a crown to the justices, and twenty shillings a year to the government for a licence? Will you enable them to dispense this poison at so cheap a rate, that a poor thoughtless creature may get drunk for three-pence, and may purchase immediate death for a shilling? A cordial may be necessary in some distempers, and may be of service to the patient, when moderately and skilfully administered; but no climate, no temperature of the air, can make a dram of spirituous liquors necessary to a person in full health and vigour. Even in our most foggy weather, or in the most fenny parts of the country, I am convinced, a draught of good warm beer would have a better effect against the inclemency of the weather, than a dram of any kind; and therefore, there is no necessity for admitting of any public retail.

But this Bill, we are told, is intended for putting an end to the clandestine retail trade now carried on, and that by enhancing the price of the commodity, it will diminish the consumption. As to its putting an end to the clandestine retail trade, I believe, it will have in a great measure its effect; for very few will run the risk of carrying on a clandestine trade, when they may have a licence at so cheap a rate as twenty shillings a year; and by the same method you might put an end to every other sort of clandestine trade. But as to the enhancing of the price to the consumer, or diminishing the consumption, this Bill will not, I am convinced, have the least effect. On the contrary, the commodity may, by this Bill, be brought cheaper to the consumer; because the distiller, the compounder, and the retailer, especially the latter, will sell at a less profit; for surely the twenty shillings to be paid by the retailer is not near equal to the risk every clandestine retailer now runs; and both our distillers and compounders know, that they will get more by vending 10,000 gallons at 3*d.* per gallon profit, than by vending 1,000 gallons at 6*d.* per gallon profit; therefore, in order to increase the consumption, or at least to prevent its being diminished, they will certainly, in my opinion, take the duty upon themselves, and sell their liquors to the retailer at the very same price they sold it before this new duty was imposed. That they will be able to do so, I have reason to believe, from the great estates some of them have of late years amassed, and from the low price such liquors are sold for in Holland; for if our distillers would content themselves with as little profit, I can see no reason why they may not sell their liquors as cheap as the Dutch distillers do theirs.

From hence, my lords, I think, I have reason to suppose, that our home-made spirits will be sold as cheap to the consumer after this new duty takes place, as ever they were before. Whether or no I am right in my conjecture, will soon appear from experience; and if it should appear to be right, what then will your lordships have done? You will have revived that terrible grievance, which was so much,

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and so justly complained of seven years ago; and you will not then, perhaps, have it in your power to apply any remedy or redress; for if the consumption be increased, as I think it will, it will bring in such a considerable revenue, that no administration will be willing to part with it, or consent to any law for redressing the grievance, because it will annihilate, or very much diminish the revenue. This is a danger which your lordships should seriously consider, before you give your sanction to a law that may, probably, be introductory of so much mischief; and this danger is increased by the mortgage that is now to be made of the duty on licences; for it will be pretended, and with reason too, that you cannot do any thing that may lessen the produce of that duty, without the consent of the creditors to whom it is mortgaged, unless you previously pay off that mortgage; and how you will be able to pay it off, without mortgaging the sinking fund, is at present beyond my comprehension; so that the noble lord's suggestion, that the Bill now before us is only a mask for concealing a design to mortgage the sinking fund, is not so void of foundation as the noble lord who spoke last seems to imagine.

What danger this nation, or the liberties of Europe, may be in at present from the ambitious designs of France, I shall not pretend to determine; but if we are in any danger that way, it is a melancholy consideration, that we must either submit to our enemies, or sacrifice the health, the industry, nay the lives of our people, for the sake of raising a sum of money to defend ourselves. I hope, we are not yet brought under such a dilemma. It is not my province to study ways and means, but those that do have, I hope, *in petto*, several methods for raising money, less hurtful than what is now proposed. The sinking fund ought, I grant, to be kept as sacred as possible; but rather than agree to such a destructive method as this, I should be for mortgaging the sinking fund in a direct manner, and without any disguise; and as this may be done speedily, by a short Bill brought into the other House, as soon as your lordships have rejected this, our public affairs, either abroad or at home, can no way suffer by rejecting this Bill; for which reason, I shall very freely give my negative to the motion.

Lord *Talbot*:

My lords; though the sinking fund was at first designed, and was appropriated to the payment of our public debts contracted before 1716, yet as there was no stipulation nor engagement between the public and its creditors when that fund was established, I was always of opinion, that the public might make use of it in cases of necessity, and in such cases only; for I never thought that it ought to be wantonly meddled with, or applied towards supporting the expence of Spithead expeditions, and much less that it might be applied towards giving a sham relief to our landed gentlemen, by making them pay 700,000*l.* instead of 500,000*l.* which was the case of taking the salt duty from the sinking fund, upon a pretence of giving relief to our poor labourers and manufacturers, and reviving it the very next year, upon a pretence of freeing our landed gentlemen from the payment of one shilling in the pound land tax for one year.

In this respect, my lords, I am still of the same opinion: if our ministers are resolved to exert themselves with vigour, in conjunction with our allies, for supporting a balance of power in Europe, I shall be not only for applying the annual produce of the sinking fund to the service of the war, but even for mortgaging some part of it, if it should become absolutely necessary to do so; but if we are only to make a shew of our armies in Flanders, as we formerly did of our squadrons at the Bastimentos, and upon the coasts of Spain, which I am afraid will at last appear to be the case, for such a purpose, I think, our sinking fund ought not to be meddled with, much less mortgaged, either directly or indirectly; therefore, whether you mortgage the sinking fund directly, or by way of collateral security, my approbation must depend upon the use that is made of the money so raised: if a proper use be made of the money, I shall approve of the mortgage, because, as I have said, it was always my opinion, that the public had a right to make use of the sinking fund in cases of necessity. But as several lords have, upon former occasions, declared themselves of a contrary opinion, I must say, I am not a little surprized to see some of them now proposing as a collateral security, the mortgage of a fund which they then deemed so sacredly appropriated to the payment of our public debts, that no necessity whatever ought to prevail with us to apply even its annual produce to any other purpose.

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The Earl of *Cholmondeley*:

My lords; if the subject we are now upon were properly and fully understood, I cannot think, the regulations proposed by this Bill would occasion any dispute, and therefore I shall beg leave to give you a short history of the British distillery, which has been of great benefit to this nation, and may be of much greater if properly encouraged and regulated. I shall readily agree with the learned prelate, that if it were possible, it would be very right to confine spirits of all kinds to the apothecary's shop, and to take care that they should never be dispensed from thence but by the advice of a physician, or to persons labouring under some real infirmity. This, I believe, would be of service both to the health and morals of the people: nay, if you should do as the Mahometans have done, if you should make the tasting of any sort of strong liquor heretical, and prevail so far as to prevent any person's being ever guilty of this heresy, which, by the bye, they never could do, I believe, it would do no harm either to the health or the morals of the people; and, I am sure, it would save them a great deal of money and time. But this has always been deemed, and in these cold climates, I believe, it will always be found to be impossible. Spirituous liquors, as well as other strong liquors, the people will drink, and if you do not allow them to do it openly, where the government can keep the use of such liquors under some regulations, they will do it privately, where the government has no power to regulate: If you do not furnish them with spirits of your own manufacture, which costs the nation little or nothing, they will furnish themselves with spirits of a foreign, which carries off yearly large sums of money, and diminishes greatly the general balance of your trade. This was the case before our British distillery was brought to any perfection; for large quantities of French brandies and other foreign spirits were yearly imported, which was a grievance complained of, so long ago as in the reign of king Charles the first.

The cause of this great importation was then, I suppose artfully, imputed to the unskilfulness of our British distillers, and to their extracting their spirits from bad materials, which prevented their being made use of generally among the people; and this was made a pretence, in the 14th year of that reign, when exclusive charters and patents were very common, because of the advantages accruing therefrom to courtiers: I say, it was then a pretence for incorporating the distillers in and about London, and granting them the sole privilege of making spirits and vinegar in the cities of London and Westminster, and within 21 miles round the same. But this proved no cure for the disease; and indeed no man of any knowledge in trade can suppose, that a monopoly will ever improve or increase a manufacture. The importation of French brandies continued as great as ever, and increased to such a degree, that it was loudly complained of in the reigns of Charles and James the second; but during that period of time, our court was too much Frenchified to attempt any thing against an importation from France. At last the Revolution took place, and the interest of England, as well as the nature of trade, began to be better understood, and more impartially cultivated: accordingly in the second year of king William and queen Mary, an act was passed for encouraging the distilling of brandy and spirits from corn; whereby it was enacted, That during the continuance of that act, any person might distil for sale any low wines or spirits from drink brewed from malted corn, only paying the duties, and being subject to the penalties as other distillers; and all letters patent made, or to be made, for the sole making of brandy or other spirits from corn of any sort, as a new invention, were thereby declared void.

As this act, my lords, gave a full liberty to every one to exercise the trade of distilling, and as all trade and commerce with France was then prohibited, it gave a real encouragement to the British distillery, and very much increased the consumption of home-made spirits, the advantage of which was sensibly felt by our farmers, because it opened to them a market for their spoilt and coarse sorts of corn, which they never before could make any thing of; therefore the act which was at first made for five years, was continued for one year longer, and though it then expired, yet the benefit accruing to the nation, by thus laying the business or trade open, was so sensibly felt, that by a clause in an act passed the very next year, I mean the 8th and 9th of king William, it was enacted, That any person who had then set up, or should afterwards set up any works or offices for making or distilling for sale, any low wines or spirits, from drink brewed from malted corn or cyder, giving notice to the commissioners

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of excise, within ten days after the entering such office or work, might follow such work, and might refine the spirits of their own making, paying the duties, and being subject to the fines and penalties as other distillers. The trade being thus laid entirely open by a perpetual law, many persons set up in London and Westminster as well as other places, who were not free of the company erected, as I have mentioned, by king Charles the 1st; and though that company had then no right from their charter to prosecute any person for so doing, yet as all companies are for monopolizing, this company took advantage of the act in queen Elizabeth's time, and brought actions against many of the distillers, not free of their company, for using an art or mystery, in which they had not served an apprenticeship of seven years; but so careful was the legislature to prevent every thing that might be a discouragement to our distillery, that in the last year of queen Anne, an end was put to these and such like actions, by enacting, that any person might distil brandy or spirits from British malt or cyder, without being liable to be prosecuted on this clause of the said statute of queen Elizabeth. And in the Mutiny Act passed the first year of the late king, the houses of distillers, who did not allow of tippling in their houses, were expressly excepted from being burdened with the quartering of soldiers, which exception has been repeated in every Mutiny Act passed since that time. Nay even till the latter end of the late reign, the legislature continued its fondness for encouraging the British distillery; for in the 12th of his late majesty it was enacted, That if any merchant importer should refuse to pay the duties for wines, as being damaged, corrupt, or unmerchantable, which by a former act were, in that case, to be staved and destroyed, the commissioners of the customs might cause such wines to be put into warehouses, and publicly sold, in order to be distilled into brandy, or made into vinegar.

My lords, under these repeated favours and encouragements, the British distillery flourished and increased to a great degree, so that not only large sums were thereby saved yearly to the nation by preventing the importation of foreign spirits, but great quantities were exported yearly to Africa and other places. In the mean time an evil arose imperceptibly from what in all other trades is an advantage: our distillers became so expert in their business, and sold their manufacture so cheap, that our poor began to drink it extravagantly, and to commit frequent debauches in it, to the destruction of their health, their morals, and their industry. This evil became at last so great, that it gave a violent turn to the spirit of the legislature, and nothing could satisfy but a total prohibition of all compound spirits which were the most palatable, and consequently most used as well as most abused by our poor. This occasioned that law of the 2d of his present majesty, the preamble of which has been read to you, and by which a duty of five shillings per gallon, over and above all other duties, was laid on all compound spirits, and every retailer of such spirits was obliged to have a licence, and to pay 20*l.* yearly for the same. This was really a total prohibition of any man's retailing such spirits in an open and fair manner; but many continued to do it privately, and the law was evaded by making and retailing a simple sort of spirit, in derision called parliament brandy, so that the debauching in spirituous liquors continued as general among the poor as ever. The law being thus found to be ineffectual, and our farmers complaining of the loss of a market for their coarse sort of corn, it gave a new and a contrary violent turn to the spirit of the legislature; and in the 6th year of his present majesty's reign, the said act was repealed, without making any regulation for preventing the excessive use of such liquors. This, my lords, of course produced a very bad effect: the poor being restored to their liberty of getting drunk as usual, like men set free from a jail, they made a most extravagant use of that liberty; and this revived in the legislature a spirit more violent than ever against the use of any sort of spirituous liquor, which occasioned the passing of a law in the 9th year of his present majesty, by which the retailing of spirituous liquors of any kind was in effect absolutely prohibited.

From the bad success of the former prohibitory law, one would have thought, my lords, that our legislature should have been more cautious upon this occasion. The impossibility of executing the law proposed was foretold by many, both within doors and without; but so furious was our zeal, that no heed was given to such prophecies, and consequently the law, which is now to be repealed, was passed without any great opposition. What was the con-

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sequence? No man could, no man would observe the law; and it gave such a turn to the spirit of the people, that no man could with safety venture to become an informer. Even the very commencement of the law exposed us to the danger of a rebellion: an insurrection of the populace was threatened, nay the government had information of its being actually designed, and very wisely ordered the troops to be drawn out and posted in the several places where the mob was likely to assemble, which, perhaps, prevented a great deal of bloodshed, and the law began to be executed without any forcible opposition. As there were multitudes of offenders, there was presently a multitude of informations; but as soon as any man was known to be an informer, he was assaulted and pelted by the mob, wherever they could meet with him. A noble peer was obliged to open his gates to one of these unfortunate creatures, in order to protect him from the mob, who were in full cry, and would probably have tore him to pieces, if they could have laid hold of him; for they had before actually murdered some of these informers. This was not the only difficulty: the magistrates themselves were in danger if they appeared zealous in the execution of this law: the prosecutions were vastly expensive, and when the person was convicted, seldom any thing could be recovered, so that it put the government to an infinite expence.

Thus, my lords, this new prohibitory law increased the evil it was intended to remove; so that the excessive use of spirituous liquors is now more general, and more frequent than ever it was heretofore. In this case, my lords, is it not necessary to do something for lessening at least, if you cannot remove this evil, which has been so long, and is now so loudly complained of? What can you do? surely you will not do as you did before: you will not repeal this prohibitory law, without substituting something in its stead. This is what is intended by the Bill now before us. We cannot, we find, entirely prevent the use of spirituous liquors; and therefore, if we could, we ought not to prevent, or too much discourage the use of our own. It would destroy the British distillery, which is now of so much advantage to the nation, and maintains, or helps to maintain great numbers of people: it would again expose us to an inundation of French brandies. The moderate use of spirituous liquors, especially those of our own manufacture, is not what is, or ought to be complained of: it is the excessive use that is attended with all those fatal consequences which have been mentioned. Does not common sense in this case point out to us, that we ought to endeavour to prevent the excessive, without putting the moderate use of our home-made spirits out of any one's power?

My lords, as the excessive use of these liquors prevails most among our poor sort of people, the best and most proper way for doing this is, certainly, in my opinion, to lay a small duty upon the still-head, and another upon licences, and to prevent any clandestine retail. By the duties you will so much enhance the price of the liquor, that the poor will never, or but very seldom, be able to purchase a debauch; and by preventing a clandestine retail, you will always have the retailers under your eye, and may punish them if they should encourage tippling or drunkenness in their houses. Whether the duties proposed upon the still-head and upon licences be too small, is what I shall not at present determine, because it has nothing to do in this debate: it can come under your consideration no where, but when you are in a committee upon the Bill. However, at present, I shall beg leave to observe, that if you make the duties too high, you cannot prevent a clandestine trade, and will deprive the poor even of the moderate use of these liquors in a fair way of purchase, which will be deemed a hardship by the populace; and this in a free country will render the execution of the law dangerous, if not impracticable.

Upon the whole, my lords, I can find no solid objection against this Bill. I think it a most necessary Bill, even supposing, that no part of the supply were thereby to be raised. But as a great part of the supply for next year is to be raised by this Bill, I begin to suspect, that the opposition proceeds chiefly from those who are against our giving the queen of Hungary any effectual assistance, and are, therefore, for retarding, or disappointing his majesty of those supplies that are necessary for that purpose. As I am for giving her Hungarian majesty the most speedy, as well as the most effectual assistance, I am for expediting with the utmost dispatch, all the supplies necessary for that purpose. This adds greatly to my zeal, not only for the passing, but for the speedy passing of this Bill, and, therefore, I shall heartily concur in the motion.



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The Earl of *Chesterfield*:

My lords; the noble lord who spoke last seemed in some part of what he said to forget, that the Bill now before us is a Money Bill, sent up to us from the other House, and, consequently, according to the rule of that House, such a one as we must either reject or pass without amendment; for our amending it in any part, especially in that which relates to the quantum of the duties to be imposed, will be the same, nay worse than our directly rejecting it; because the other House, upon the single account of our amending it, will certainly reject it; and, consequently, our making any amendment in the committee will be of worse consequence than our rejecting the Bill now upon the second reading, because it will occasion a longer delay in providing for the service of the ensuing year. I am very far, my lords, from yielding to the other House our right of amending a Money Bill: I think we have as good a right to amend any Bill that comes from them, as they have to amend any Bill that comes from us: but, I believe, they will be as obstinate in not yielding to us, as we can be in not yielding to them; and when we go into a committee upon this Bill, I am persuaded, the noble lord who spoke last, or some of his friends, will make use of this dispute between the two Houses as an argument for our agreeing to the Bill without any amendment. Therefore, I hope, they will now allow us to consider, whether the duties proposed to be laid upon the still-head and upon licences be too small, or promise not to make use of this argument against our considering this question in the committee.

My lords, I shall always be as ready as any lord in this House to agree to the supplies necessary for the ensuing year, and if we could give effectual assistance to the queen of Hungary, I should be as zealous for it as any man in this kingdom; but at the same time I must be for raising the supplies in that manner, which may be least hurtful to the people; and therefore, when the other House, whose business it is to raise the supplies, are artfully led into any pernicious method of raising them, I shall never make the least scruple to reject what they thus propose, because they may easily resume the committee of ways and means, and there contrive a new method of raising the supply, upon finding that this House had rejected the first method thought of by them. Our rejecting this Bill therefore can be no interruption to our giving effectual assistance to the queen of Hungary, if it should appear to be in our power; but if none of the other great powers of Europe will join with us, I do not think it will be in our power to give her effectual assistance, and if we cannot give her effectual assistance, I do not think we ought to run ourselves into any dangers or difficulties, for the sake of giving her an assistance which can serve only for putting off the evil day with respect to her, and bringing it the sooner on with respect to ourselves.

This, I hope, my lords, our ministers will consider, and as none of the great powers of Europe seem as yet to be in any great forwardness to join with us in assisting the queen of Hungary, I can see no necessity for any extraordinary dispatch in our raising the supplies. But if there were, the rejecting of this Bill now upon the second reading, is the best method we can take for having the supplies raised with dispatch, and must be allowed to be so, if I can shew, that we ought not to pass it without an amendment in the most material part, which is that relating to the quantum of the duties to be laid upon the distilling and retailing of home-made spirits. For my part, I am surprized, how any lord of this House can suppose the Bill to be designed for suppressing or putting a stop to the excessive drinking of spirituous liquors: in my opinion, the very title of the Bill ought to be altered: it ought to be called a Bill for encouraging the consumption of such liquors, by enabling all the poor in the kingdom to get drunk as often as they please. The present abuse in this way is acknowledged by every lord who has spoke in this debate, and yet it must be allowed, that every one who retails them under the present prohibition runs a very great risk. Can we suppose, that the retailer does not consider this risk in settling the price at which he sells his liquors? Can we suppose, he would not sell them cheaper, especially when great numbers are contending and underselling one another, if he could retail them without any risk? A small duty is, it is true, by this Bill to be laid upon the still-head, and another upon licences; but both together will not amount to near the value of the risk which the clandestine retailer now runs; therefore I must conclude, that after this Bill is passed into a law, gin will be sold



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cheaper to the consumer by the licensed retailer, than it is now sold by the clandestine, and consequently that the poor will then be better able to launch out into a debauch with that liquor than they are now.

I shall grant, my lords, that gin is now clandestinely retailed at most ale-houses, and at many other sorts of houses; but this is done privately, and to such people as the landlord can trust. It is not sold openly in a public room, where variety of companies meet, and where the example of one company incites another to the use, perhaps the abuse of this pernicious liquor. This will be the case as soon as this Bill begins to take place, and the restraint and fear people have now been under for almost seven years, will make them the more extravagant, when they find themselves at full liberty. This Bill will therefore, in my opinion, quite alter the old English sort of drunkenness, which proceeded from hospitality and good-fellowship: if they did in former days get drunk, it was with strong beer or ale, which is a sort of soporific. While they were drinking they were merry, when they got drunk they went to sleep. But our modern liquor called gin has converted drunkenness into madness. It admits of nó mirth, no conversation: the company grow mad before they well know what they are about, and the more they drink, the more ripe they grow for any wickedness or extravagance.

Luxury, my lords, is to be taxed, but vice prohibited, let the difficulties in executing the law be what they will. Would you lay a tax upon a breach of the ten commandments? Would not such a tax be wicked and scandalous; because it would imply an indulgence to all those who could pay the tax? Is not this a reproach most justly thrown by Protestants upon the church of Rome? Was it not the chief cause of the Reformation? And will you follow a precedent which brought reproach and ruin upon those that introduced it? This is the very case now before us: you are going to lay a tax, and consequently to indulge a sort of drunkenness, which almost necessarily produces a breach of every one of the ten commandments. Can you expect the reverend bench will approve of this? I am convinced, they will not, and therefore, I wish, I had seen it full upon this occasion. I am sure, I have seen it much fuller upon other occasions, in which religion had no such deep concern.

We have already, my lords, several sorts of funds in this nation, so many that a man must have a good deal of learning to be master of them. Thanks to his majesty, we have now amongst us the most learned man of the nation in this way. I wish he would rise up and tell us, what name we are to give to this new fund. We have already the Civil List Fund, the Sinking Fund, the Aggregate Fund, the South Sea Fund, and God knows! how many others. What name we are to give to this new fund I know not, unless we are to call it the Drinking Fund. It may perhaps enable the people of a certain foreign territory to drink claret, but it will disable the people of this kingdom from drinking any thing else but gin; for when a man has by gin-drinking rendered himself unfit for labour or business, he can purchase nothing else, and then the best thing he can do is to drink on till he dies.

But, my lords, to be serious upon this subject, for it is really an affair that deserves your most serious consideration, I wish your lordships would declare what is truly your meaning by this Bill; for I think it inconsistent with your dignity to declare what no man in England will believe you mean. I therefore wish you would declare openly and freely, that you hereby intend to encourage and promote the excessive drinking of gin, in order to encrease his majesty's revenue; for no reasonable man will suppose you intend to discourage, much less prohibit, this vice, by giving every man that pleases an indulgence, not only to practise it himself, but to promote it in others, upon condition of his paying a small tax yearly. For this reason, I think, you ought to prefix to the Bill a preamble in these or the like words: 'Whereas his majesty has occasion for a large sum of money for maintaining his Hanover troops and the British troops sent, for what purpose we know not, to Flanders; and whereas a very considerable new revenue may be raised, by permitting the people of England to poison themselves with a liquor called gin, which of late years the poor have grown extremely fond of, therefore be it enacted,' &c. Such a preamble, I shall grant, my lords, would not be very consistent with that regard which you profess, and ought to have for the people; but in my opinion it would be more consistent with your dignity than any other; for no man of honour will profess one thing when he means the direct contrary, and a man who has a

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regard to his character, will be cautious of professing what no man in the world will believe he means.

This, my lords, will be the consequence of your passing this Bill in the shape it stands in at present, and you must pass it in this shape or none. Experience will soon shew, that the general and cheap indulgence hereby given to the retailing of gin, will promote and increase the excessive drinking of it among the people. The whole nation will soon see this, and it will give every man a good reason to doubt your sincerity, or your judgment. Nay, either the one or the other must by every man be condemned, which of course will bring this august assembly into a general contempt, and such an effect, I hope, your lordships will always be solicitous to prevent. But this will not be the only fatal consequence: it will bring upon the nation all the ills which were so severely felt, and so generally complained of seven years ago. At that time, I remember, the officers of our army complained heavily of the fatal effects of gin-drinking upon the common soldiers; they said, it made them unfit for any sort of service, because many of them were almost continually drunk, and whilst in that condition, they were either so mutinous or so stupid, that they would not or could not obey any orders. To this they added, that the constant use of gin debilitated the common fellows so as to render them unfit for supporting any sort of fatigue, nay, even that of going through their exercises at a review. How the officers of our army come now to be so silent, I do not know; but these effects will all, I am convinced, be renewed by our passing this Bill; and will you do any thing that may tend to debilitate your soldiers and seamen, at a time when we must be undone, if one Englishman is not able to beat three Frenchmen? For this will be the case, if we enter into the present war with such odds against us, as must be, if none of the great powers of Europe join with us in assisting the queen of Hungary; and if we are not to enter into the present war, we have no occasion for raising such sums of money as this Bill is designed for.

The noble lord was pleased to give us a very exact history of the progress of gin in this kingdom, and to recommend to our care the British distillery. My lords, I shall grant, that the British distillery has for many years been very much encouraged by the legislature: I shall agree, that we had, and still have great reason to encourage it. If our people must make use of spirituous liquors, I shall always be for encouraging them to make use of those of a home rather than of a foreign manufacture. But I shall never be for raising the British distillery upon the destruction of the British people; and therefore I shall always be for laying such restraints upon the use of spirituous liquors, even those of our own manufacture, as may prevent as much as possible the people's destroying themselves by the abuse. The means for doing this are known, and from experience manifest: brandy and rum are certainly as palatable as any sort of home-made spirit, yet the abuse, or excessive use of these liquors never became general among the people. What is the reason? My lords, the reason is plain: We have subjected them to such high duties, as render it impossible for a poor man to commit frequent debauches in them; and if willing, we might easily do the same with regard to all home-made spirits: a duty of three or four shillings per gallon upon the still-head would have the same effect as to them, that our high duties have with respect to rum and brandy; and the payment of this duty might be as easily and as effectually enforced as the payment of the other: for a still-house cannot be privately set up, at least it cannot be long concealed, and at every known still-house the officers may easily prevent any concealments.

But such a duty as this, my lords, would certainly diminish the consumption: Nay, it would probably diminish the revenue arising from that consumption; and therefore, I am afraid, it will never be thought of, much less proposed by ministers, who never value a duty, but, as Hudibras says, every thing is to be valued, according to the money it will bring. They may chime in with a popular cry for taxing some sort of luxury, but if they can, they will take care, that the tax shall not be so high as to amount to an effectual prohibition, consequently it becomes a fund; and when they have got such a tax laid on, they endeavour to propagate the luxury in order to encrease the fund. This, I am convinced, will be the consequence of the Bill now before us. The excessive drinking of gin is become a luxury, chiefly among the necessitous part of our people, and as it is not only vicious in itself, but the father of all other vices, it ought to be prohibited, or at least restrained by such a tax as would amount to a prohibition. Instead

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of this, you are to lay such a small tax, that it will not be in the least felt by the consumer, and to make that a tax for bringing in a considerable revenue to the public. Can you, after this, expect that ministers, or their under agents, will take any method for repressing the vice or the luxury? Will they not give secret orders to their tools the justices, to connive at this sort of wickedness? And the retailers will certainly propagate it to the utmost of their power. Therefore, when this project was first formed, I must suppose, that half a dozen ministers having assembled and laid their wise heads together, they resolved, that the people of this nation should be drunk for one twelvemonth at least, not only to raise a sum of money for their dark purposes, but to prevent the people's being sensible of their misery, or of the heavy burdens intended to be laid upon them and their posterity.

My lords, if a certain period were to be put to this drunken fit at the end of one twelvemonth, it would give me much less concern; but our ministers will find such a sweet penny arising from it, that they will never voluntarily part with the delicious morsel; and therefore, I am afraid, this drunken fit will continue, till at last we have no money to purchase even gin itself. Such a consequence, which, I think, is certain, would put an end to this, and, indeed, to every other revenue; and as I have some regard for succeeding ministers, which few present ministers ever had, I must be against a Bill, which must necessarily bring them into such lamentable circumstances; for a minister without any public revenue to support either himself or his measures, would in this country, I fear, make but a very sorry figure, unless he were possessed of greater abilities, and more virtue than any modern minister can pretend to.

Lord *Carteret:*

My lords; as the argument has already been set in its true light by a noble lord who has yet received no proper answer, I need say but very little upon the subject. The case is truly this: that vicious habit of drinking spirituous liquors to excess, has taken such deep root among the vulgar and poor sort of people, that it has been found impossible to put a stop to it all at once. In this way we have already tried two experiments, and both have by experience been found to be ineffectual. By the act of the second of his present majesty, we put a stop all at once to the retail of all compound spirits, which we thought would put a stop to the excessive drinking of any cheap spirit, because, without compounding it was impossible to make it agreeable to the palate. What was the consequence? A clandestine retail of compound spirits was set up at every corner, and those who could not get such spirits in this clandestine way, rather than not get drunk with any sort of spirit, got drunk as frequently as ever with that nauseous, or, at least, unpleasant sort of spirit, which, in derision of the authority of the legislature, they called Parliament Brandy. Well, this law being found ineffectual, it was repealed in a few years after it was made; and in the ninth of his majesty we resolved to try another experiment of the same kind. As the former law had been evaded, by retailing this sort of liquor called Parliament Brandy, we resolved the next should not be liable to any such evasion; and therefore we laid a prohibition, or duties equal to a prohibition, upon the retail of any spirituous liquors whatsoever. This law, it is true, could not be evaded as the former had been; but did it put any stop to the evil complained of? No, my lords, since the populace saw they could not evade the law, they openly and avowedly transgressed it; and the transgressors were so numerous, that they even set the government itself at defiance. No private man, no under officer durst inform, no magistrate durst punish, without being in danger of being De Witted by the mob, as he passed along the streets.

In short, my lords, it was impossible to execute this law but by a military force, and this I shall never be for upon any account whatever. I hope, the law will always be able to execute itself, without the assistance of the military power; and for this purpose, the legislature ought to contrive such laws as may be executed by the civil power alone; for if ever the assistance of the military should become necessary for the execution of our laws in general, they will not long continue under the direction of the civil magistrate: they will become directors instead of being directed, and may, probably, very soon after, usurp the legislative, as well as the executive power of our government, which would put an end to our constitution. Therefore, when I argue for the Bill now before us, I think, I am arguing for the preservation of our constitution, as well as

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for the preservation of the people; for if you attempt to execute the law as it now stands, you will endanger your constitution; if you do not execute it, nor substitute any other remedy in its stead, the people will destroy themselves by the excessive use of spirituous liquors, which has increased vastly within these last two or three years, as your lordships may see by the increased produce of the small duties we now have upon those liquors.

It was with the utmost regret, my lords, that I observed the produce of those duties increasing every year, almost ever since the law was made; but let that produce be now what it will, it is a mistake to say it belongs to the Sinking Fund. It belongs to no fund, nor was ever designed by parliament to belong to any; for the design of parliament was to put an entire stop to the consumption, and consequently to annihilate the whole of this produce; but experience soon convinced us, that the putting of an entire stop to the consumption was impossible: the people will indulge themselves in this vicious habit; and since there is no preventing it, the government ought to avail themselves of it; but to avail themselves in such a manner as by degrees to put a stop, at least to the excessive use of this pernicious liquor.

This is, my lords, what is designed by the Bill now before you. By loading the commodity with additional duties you will enhance the price; and at last you may enhance it so as to put it out of the power of the inferior or lowest rank of people to purchase so much at a time as will intoxicate them; but even this is not to be done all at once, for as great numbers of people have of late years got into a method of retailing those spirituous liquors in a clandestine manner, if you should lay a high duty at first, most of them would continue in the same way, and the clandestine retailers would be so numerous, and so much patronized by the mob, that it would be as difficult to execute the new law, as it is now found to execute the old. For this reason, the most proper way, in my opinion, is to begin with laying a small duty upon the still-head, and another small duty upon licences. By this means you will put an end to the clandestine retail; for spirituous liquors will be retailed openly and fairly at so many places, and at so cheap a rate, that the clandestine retailers will meet with no encouragement, and against the few that continue the trade, the law may be easily and safely put in execution. Those that have licences will of course become informers against them, and when the mob find that they are not debarred the use of those liquors in a fair way of trade, they will probably declare against all unfair traders. Thus, I hope, in a year or two there will not be so much as one clandestine retailer in the kingdom; and then you may advance the duty by degrees, till you raise it so high as to produce the desired effect; for after those that are now engaged in the clandestine trade have entirely left it off, it will neither be easy nor safe for them to resume it, and it will be still more difficult for one who never knew any thing of the trade to begin to carry it on.

As for those terrible things called gin-shops, which we have been so much frightened with in this debate, I shall admit, they were formerly, and, if they were to be suffered, would again, I believe, be found to be insufferable nuisances; but, my lords, I am surprised to hear them mentioned upon this occasion, when there is such an express clause in the Bill for preventing its being possible to keep any such shop. By the Bill it is expressly provided, that no licence shall be granted, except to such persons only who shall keep taverns, victualling-houses, inns, coffee-houses or ale-houses; and as none of these houses can be set up or kept without a licence from the justices of the peace or from the wine-licence-office, which licence they may refuse to grant or to continue, it will be easy to prevent any of them from setting up a public gin-shop, by taking their licence from them, or refusing to renew it at the end of the year, if they should attempt to make so bad an use of it.

We have been told, that this Bill is a taxation upon vice, and consequently granting an indulgence for committing it, to all those that can pay for it. My lords, it is no such thing: it is only laying a tax upon a commodity, which, like all other commodities, may be made a bad use of. I hope, no man will say, there is any vice in drinking a single dram even of gin itself, especially when nature, or the dampness of our climate, requires it, and the person who wants it can afford to purchase no better liquor. The vice consists in the immoderate use of it, and have not you laws for punishing tippling and drunkenness, let it be in what liquor it will? Are any of those laws to be repealed by

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this Bill? On the contrary, a new regulation is to be made against tippling and drunkenness; for no man can tipple or get drunk, unless some person administers the liquor: by this Bill every person is to be prohibited from administering the liquor, except such as have licences; and every man that has a licence must of course be continually under the eye of the civil magistrate, who may, and, I hope, will take his licence from him, if he encourages or permits tippling or drunkenness in his house. This Bill, therefore, is so far from being an indulgence for vice, that it is, in my opinion, one of the most effectual regulations that can be contrived for preventing it; and if magistrates will be deficient in their duty, it is not the fault of the law, but the fault of the magistrate; for no law can signify any thing, unless care be taken to put it duly in execution, if possible: and no impossibility, I hope, will be found, in putting this law strictly in execution.

But it is said, that as the duties upon spirituous liquors are to be made a fund for bringing money into the king's exchequer, the king's ministers will encourage the consumption, and even the excessive use of them, and will give their instructions to their tools, the justices of peace, for that effect. My lords, I do not know, that the justices of peace are the tools of ministers: some of them may, perhaps, be so; but as the noblemen, and all the chief gentlemen in every county, are generally in the commission of the peace, if they would attend, it would be easy for them to prevent its being in the power of those justices, that may be tools of ministers, either to neglect executing the law, or to execute it in any wrong manner; and therefore, if this Bill should be passed into a law, I hope, your lordships, and the gentlemen of the other House, who are, as most of them, I believe, are, in the commission of the peace, will take care to see the law duly executed, and not leave it entirely to be executed by such justices, as may be suspected of submitting to receive directions from any minister of state.

Upon the whole, my lords, I can see no harm this Bill will do: I think it will do a great deal of good; and if the reverend bench viewed it in the light I do, I am sure, they would concur heartily in the measure; because, I think, it is a step towards putting an end to that evil which they so pathetically and so justly complain of, and as large a step as you can prudently make at first; for by making too great a longe you always gave the enemy an advantage over you: the duty now proposed may perhaps be too small; but it would be dangerous to lay a higher at once, for the reason I have already assigned. You may by degrees raise it higher, according to the humour you find the people in; for in a free country we must consult the humour of the people, if we have a mind to have our laws put in execution; and there is nothing derogates more from the dignity and authority of the legislature, than to see the laws they make trampled upon by the populace. We have twice already found this to be the effect, with regard to the laws we have made against the retailing of gin: do not let us fall a third time into the same error, by laying too high a duty at first. This, I am convinced, will not be the case with regard to the duty now proposed; and I have the more reason to be convinced of it, because the other House, who are the best judges of the humour of the people, seem to be of the same opinion; therefore, I shall be not only for the present motion, but for passing the Bill without any amendment, because I should be sorry to see such a good Bill thrown out, upon a punctilio of privilege between the two Houses.

Lord *Lonsdale:*

My lords; I am sorry I have the misfortune to differ so widely from the noble lord who spoke last, in my opinion concerning this Bill: he says, it is a step towards preventing the excessive use of spirituous liquors, and, I think, it is a step towards encouraging the excessive use of them; for if giving a licence to every man that pleases to open a shop for the retail of those pernicious liquors, at such a small duty as will not be in the least felt by the consumer, be not an encouragement for the consumption, I do not know what is. We have had a doctrine lately broached in this age, so fruitful of new doctrines, That private vices are public benefits; and as the consumption of gin is from henceforth to bring in a considerable revenue to the public, I do not know but some future minister may, upon this principle, propose giving a public reward yearly in every parish to the man, who, within the preceding year, has been oftenest drunk with gin; for except this, I can think of nothing that will tend more to the encouragement of this vice, than the Bill now before you. It will not only give the

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people free access to that liquor, but it will set up, I do not know, how many thousand devils, whose interest and business it will be to tempt them to a debauch; for as the distillers and retailers will probably take the whole duties upon themselves, they will sell at a less profit than formerly, and what they suffer by the diminution of their profits, they will endeavour to make good by the increase of the sale; therefore I must look upon every man that takes out a licence, as a sort of devil set up to tempt mankind to get drunk with gin, and the lower character he is of, the more busy, the more dangerous devil he will be; because his conversation and dealings will lie mostly among that sort of people, who are most liable to commit frequent debauches in the most pernicious of all pernicious liquors.

The noble lord says, this evil will be prevented by the danger every retailer will be in of having his licence withdrawn, if he promotes or allows of tippling and drunkenness in his house. My lords, experience will convince them, that they have no occasion to apprehend such a danger. Did we ever hear of any vintner or ale-house-keeper's licence being withdrawn on account of his promoting tippling or drunkenness at his house? On the contrary, are not they allowed to set up every contrivance they can think of for bringing custom, as they call it, to their house? Are not all the laws we have against tippling and drunkenness, and against those games which promote that vice among the vulgar, most egregiously neglected? And the reason is very evident: as we have high duties upon all sorts of strong liquors, the more of them is consumed, the more money comes into the hands of ministers, who have the naming, and consequently the direction of all our justices of peace, or at least of all such as will act? For gentlemen of fortune, who are independent of our ministers, will not act if they are named, because, if they attempt any thing for the good of their country, that happens to be inconsistent with the views of a minister, they are sure to be out-voted at the quarter sessions, where the vote of a trading justice is as good as the vote of a gentleman of the best estate in the county. It would therefore be ridiculous in your lordships to pass this law, in hopes that the justices of peace would prevent its being made a bad use of. You can entertain no such hopes: the whole world knows you cannot; and consequently, if you do pass it, every man without doors will conclude, you have passed it with design to encourage the consumption of spirituous liquors, in order to raise a new fund for the government's service.

If this, my lords, be your design, I am convinced, you will not be mistaken. The excessive use of gin has hitherto been pretty much confined to the cities of London and Westminster; but by this Bill you will send the vice into the country, and spread it over the whole kingdom, which is tearing the nation up by the roots; for the country is our chief nursery for all sorts of laborious people: it is the nursery even of the great cities of London and Westminster; for from the difference betwixt the christenings and burials, we may judge, what a vast supply of people comes every year from the country to those two cities. What then must be the consequence of bringing our honest country people into a vicious habit, which not only prevents procreation, but destroys the children after they are born, or renders them so feeble as to be of no manner of service to their native country? Yet this will be the certain consequence of the Bill now before you; for as every ale-house keeper in the country must pay 20*s.* for a licence to sell spirituous liquors, it will put him upon the trade of gin-selling; which otherwise, perhaps, would never have entered into his head; and as soon as the poor in his neighbourhood have tasted the cup, they will very probably become as fond of it, and debauch as much in it, as the poor now do in and about the cities of London and Westminster; for the cheapness of the liquor will be a very strong recommendation, in the country as well as in London.

It is this, my lords, it is the cheapness of the liquor that makes it so much coveted by the poor in every place where they can come at it; and it is this that makes so many of them habituate themselves to the excessive use of it; therefore if your lordships have really a mind to prevent the poor's making an excessive use of it, the method is plain and easy. A high duty upon the still-head will do this effectually; and this duty may, it ought to be laid on all at once. The noble lord's argument against your doing so, was a good argument against your laying at first a high duty upon licences, but it was no argument against laying at first a high duty upon the still-head. A high duty upon licences may, indeed, occasion the continuance of the clandestine retail; but a



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high duty upon the still-head cannot, because the retailer must pay that duty, let him retail in never so clandestine a manner. If it be once paid by the distiller, it must be paid again to him by the clandestine as well as by the licensed retailer. There can therefore no reason be given, for, I am sure, the true reason will not be avowed: I say, there can be no reason given for not laying a high duty at once upon the still-head, unless it could be said, that this would occasion a clandestine distilling, which every one that knows any thing of the distilling trade, must know to be impossible; for even a little concealment is much more difficult in the distilling, than in the brewing business; and I never yet heard any complaints made of frauds or concealments in the brewing business.

Thus your lordships may see, that by this Bill you are going to do the direct contrary of what you ought to do: you are going to lay at once as high a duty as, I think, can be proposed to be laid upon licences; and you are going to lay such a small duty upon the still-head, as, I am sure, will not be in the least felt by the consumer. Can any one mistake the meaning of this heterodox way of proceeding? My lords, the meaning is plain: it is nothing but a money job, and a job to be carried on at the expence of the health, the morals, and the quiet of the people. This is the true reason for laying such a small duty upon the still-head, and such a high duty all at once upon licences, which will certainly encourage a smuggling retail, almost next to a prohibition. If a high duty had been laid upon the still-head, it would not only have diminished the consumption, but it would have rendered it not worth the while of any ale-house keeper, who had none but low people for his customers, to take out a licence, so that it would have both ways diminished the expected revenue; but by laying such a small duty upon the still-head, as cannot in the least diminish the consumption, but rather increase it, you will make it worth the while of every ale-house keeper in the kingdom, to take out a licence, so that both ways you will increase the revenue. To consider this Bill therefore as a money job, I cannot but applaud the ingenuity of the projectors; but I cannot bear to hear it imposed upon this House as a Bill designed to put a stop to the consumption, or the excessive use of gin.

I do not know how your lordships may take it, but it really raises my indignation to find such a barefaced attempt made upon your understandings: I am sure, every one of your lordships that views this Bill in the light I do, will look upon the arguments made use of in its favour with equal indignation; and I am persuaded, the noble lords who have appeared as advocates for this Bill, have, by their non-attention, been imposed on, otherwise they would not have made use of such arguments. We know by whom the Bill was introduced; by whom it was patronized in the other House; and this ought to be an additional argument for convincing us, that it is solely a job for raising money. If we consider it in this light, let us see, my lords, what prospect we can have of ever being able to put a stop to the growing evil of gin-drinking, by increasing the duty by degrees, as the noble lord who spoke last has suggested we may do. Upon this head, my lords, let us consider, that we are but one of the three branches of our legislature, and that a Bill for laying a duty or an additional duty, upon any consumption, can never take its rise in this House. How then can we promise ourselves, that if we pass this Bill, we shall ever have it in our power to increase the duty by any future Bill? Future ministers will I am afraid, be as unwilling to do any thing that may diminish the public revenue as the present, or any past have been; and from the Pension and Place Bills that have been sent up to us from the other House, we must suppose, that ministers are suspected of having too great an influence in that House: can we then suppose, that any Bill, for increasing the duty upon home-made spirits, and thereby diminishing the revenue, will ever be sent up to us from the other House, as long as ministers have a prevailing influence there? Can we suppose, that such a Bill would receive the royal assent, as long as ministers have a greater influence upon the councils of our sovereign, than the joint advice of both his Houses of Parliament? For this reason, I shall look upon this Bill, when passed, as a law for establishing drunkenness, which is never to be repealed; and if I should countenance it in the least, I should look upon myself as accessary to the murder of every infant that may hereafter be overlaid or poisoned by the drunkenness of the mother.

By consenting to this Bill, we shall put it out of our power ever to apply a remedy to the growing evil; but if we refuse our

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consent, or if we amend the Bill, by laying a high duty upon the still-head, we may put an immediate stop to this evil; for the other House will thereby see what we intend, which will prevail with some of them to move for a new Bill, and our ministers, not being yet in the possession of the revenue, nor in hopes of being able to possess themselves of it, will readily consent to a Bill, which must necessarily produce a great deal of public good, without diminishing in the least any revenue they are now possessed of. But if you once give them possession; if you once let them taste the sweets of such a considerable revenue, as will, I fear, arise from this growing evil, I shall despair of our being ever able to put a stop to it; and that it has been a growing evil, especially of late years, is manifest both from experience, and from the increase of the produce of the duty. My lords, as our distillery has been subject to a duty ever since it began to be considerable, I have been at the pains to examine the accounts yearly, because from them we may see pretty exactly how much has been consumed annually, and how the consumption has gradually increased. In the year 1684, as appears from these accounts, there were but 700,000 gallons of home-made spirits consumed in this kingdom: in the year 1694, there were 1,100,000 gallons consumed; and thus the consumption increased gradually every ten years, so that in 1734, there were 4,500,000 gallons consumed; but since that time the increase has been much greater than it ever was in any former period, for the consumption is now above 7,000,000 of gallons yearly; and if you spread the practice into the country, as you will certainly do by this Bill, God knows what it may arise to; for most of the poor, I believe, in a little time will drink nothing else beside water; because they find they have more comfort, as they call it, from a half-penny worth of gin, than from a pint of strong beer, which costs them thrice as much, by reason of the heavy excise it is subject to.

This, my lords, is the true cause of the great consumption of gin among the poorer sort of people: we have loaded our malt liquors with so many excises, that the poor are not able to purchase such as have any strength or spirits in them, and this makes them have recourse to gin, when they find their spirits wasted by labour and fatigue. In former times, a poor man could have a pot of much better strong beer for two-pence than he can have now for three-pence: he could have half a pint of it for a half-penny, and from that half-pint he found a fresh flow of spirits; but he must now pay three farthings for half a pint, without finding any such effect; therefore he has recourse to gin, because from a half-penny worth he finds that effect which he expected in vain from three farthings worth of strong beer. Thus he is led in to taste the liquor, and as the spirits got this way soon evaporate, he in a short time finds a call for another dram, by which he comes to get a habit of dram-drinking, and is often by company, and the agreeableness of the liquor, tempted to take too great a dose.

I have no hopes, my lords, of seeing our excises upon malt liquors, or indeed any of our duties, diminished, much less abolished; and therefore, I am afraid, we shall never, or not at least in this age, be able to cure the evil of dram-drinking, by restoring our malt liquors to their former goodness and cheapness. But as beer is much more wholesome than drams: as the latter is a mere cheat upon the drinker, by giving only a short and transient flush, we ought to force our poor to return to the use of malt liquors, by doing what we can, since we cannot do what we ought. We cannot lower the price of our strong beer, but we may raise the price of gin by additional duties, and these ought to be such as will raise it to a higher price in proportion than our strong beer; for if a poor man could not have a moderate dram of gin under a penny, he would rather chuse half a pint of strong beer, because of the farthing saved.

What additional duties may be proper for producing this effect, I shall not pretend, my lords, to determine, nor is it proper, in the usual course, to consider of it at present, such a consideration being proper only for a committee; but as, I hope, this Bill will not go the length of a committee, I shall just mention that, in my opinion, we ought to raise the duty upon the still-head to three shillings, or at least half a crown, with some difference between spirits drawn from British and those drawn from foreign materials, and between spirits drawn from malt or corn, brewers wash or tilts, and those drawn from any other kind of British materials. By such a duty as this, the price of gin would be raised so high, that people would generally chuse a draught of strong beer, rather than a dram of gin, for recruiting



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their spirits, when nature seemed to require it; and the poor would seldom be able to furnish money enough for committing a debauch. On the other hand, as the duty upon home-made spirits would still be lower than those duties payable upon brandy and rum, the former would continue sold a good deal cheaper than the latter, and consequently this duty upon gin would no way increase the consumption either of brandy or rum. We should still have large quantities of home-made spirits consumed, which would furnish our farmers with a market for most of their coarse or spoilt corn; and as the duty would, as usual, be drawn back upon exportation, it could no way prejudice our foreign commerce. Nay, this duty would, I believe, be as beneficial to the government, and for some years, that is, till our present set of gin-tipplers be worn out, it would be more beneficial than what is now proposed; for suppose the consumption should be diminished, suppose the whole late increase within these last eight years should be annihilated, and that the annual consumption should be again reduced to four millions of gallons, this would bring in above 500,000*l.* a year, which is more than can be proposed to be made of the small duties, which are now to be laid on, even though the vice should become more frequent and more general than it is at present; but whatever may be the consequence in this respect, surely the public revenue is not to be put in competition with the health, the morals, and the quiet of the people in general. If we do this, we may perhaps increase the public revenue for a few years, but at last we shall have little or no public revenue left, either of this or any other kind.

For these reasons, I think, you can neither in honour nor conscience agree to have this Bill passed into a law as it stands at present, and if it is to be thrown out, the best way will be to throw it out upon the second reading, that the other House may have the more time to consider how to provide otherwise for the supply; therefore I shall be against its being referred to a committee.

The Bishop of *Salisbury*:*

My lords; I do not rise up because I think the arguments against this Bill stand in need of any farther illustration: they have already been set in so clear and so strong a light by the noble lords who have spoke before me in this debate, that if the Bill be passed into a law, it is not reason but necessity that must be looked on as the cause of it. But I rise up, because I think religion deeply concerned in the fate of this Bill: it is the most unchristian Bill that was ever thought of by any government; and therefore I think it incumbent upon me as a christian bishop, to give my testimony against it in the most open and express manner I can. I am extremely sorry, my lords, at being thus obliged to give my negative to a Bill proposed as a fund for furnishing his majesty with a part of the necessary supplies: no man can be more ready than I shall always be to comply with his majesty's demands in this respect, because, I am sure, his majesty will never demand any greater supply than is necessary for the public service; but I cannot agree to furnish his majesty even with the necessary supplies in such a way as I think inconsistent both with religion and morality; and I must think, it was very unkind in the projectors of this Bill, to contrive such a scheme as should lay the members of both Houses under a necessity of opposing his majesty's supply, or of agreeing to a Bill which they could not but in their consciences condemn.

To pretend, my lords, that a Supply-Bill is a Bill designed for discouraging the consumption of that very commodity by the duties upon which the supply is to be raised, is such a juggle as cannot be expected to pass upon the judgment of the weakest man in the kingdom. But it is said, we are not to discourage the moderate use, but the excessive use of this liquor, and a double duty will bring in as much from the moderate use, as the single duty did before from both. My lords, the chief part of the consumption of gin consists in the excessive use, consequently, if you destroy the excessive use, even your double duty will bring in little or nothing, which would render this Bill a most ridiculous sort of Supply-Bill. This the projectors were aware of, therefore they have taken care to make the additional duty so low, that it will not in the least affect or diminish the excessive use: and in order to increase it, they are going to set up 50,000 house-keepers in this kingdom, whose chief business it will be to promote the excessive use of this liquor among all their neighbours and acquaintance. I say 50,000, for according to all

* Dr. Thomas Sherlock.

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the computations I have heard of, that will be the least number of houses that will take out licences for the retailing of spirituous liquors: I am afraid, the number will in a few years be much larger; for by the Report of the justices of peace in the year 1736, the number of gin retailers in Westminster, Holborn, the Tower, and Finsbury division, exclusive of London and Southwark, was 7044, besides 3209 ale-houses that did not then sell spirituous liquors, and besides a great number of persons who retailed gin privately in garrets, cellars, and back rooms, or places not exposed to public view; and if the humour of gin-drinking and gin-selling should prevail as much in the country as it has lately done in London, we must suppose, that the number of gin retailers in this kingdom, will in a few years vastly exceed 50,000, every one of whom will certainly promote as much as he can the consumption, and even the excessive use of gin.

The proviso in this Bill, that no licence for selling spirituous liquors shall be granted to any but taverns, victualling-houses, inns, coffee-houses, or ale-houses, will be of no manner of signification; for every person that resolves to set up a gin-shop, will first purchase a licence from the justices of peace, as a coffee-house or ale-house, and then of course they become entitled to the other licence. I know, my lords, that if justices of peace did their duty, they would be much more cautious than they are in granting or continuing licences; but they never did, they never will do their duty in this respect. Do not we know, that they never do refuse a licence to any one that is willing and able to pay for it? Are there not now many notorious vile houses licensed as coffee-houses or ale-houses? Do not we know, that when such houses become a nuisance to the whole neighbourhood, it is with the utmost difficulty that the honest neighbours can prevail with the justices to take away the licence? Perhaps the justices, by orders from above, may be a little more cautious than they have been in this respect; and this caution may probably be continued till this law be fixed upon us; but as soon as this is done, they will give themselves as full scope as ever; and in all places where the poor resort or inhabit, I am persuaded, every sixth house will in a few years become a gin-shop, which was our case in the year 1736, as appears from the report I have mentioned, with this difference only, that they will now put on the mask of a coffee-house or ale-house, whereas formerly they appeared openly as gin-shops, which, in my opinion, is a dangerous improvement; for by this means a man may innocently step in to drink a pint of beer, for quenching his thirst, and when he finds himself unwarily in a gin-shop, may be tempted to lay his money out in gin, and may by company be inticed to drink too much.

Considering, my lords, how much the practice of excessive drinking of spirituous liquors, especially that liquor called gin, has increased since the last act for restraining it, I little expected such a law as this to be proposed; for that the practice has encreased is not only apparent from our public accounts, but from what we may observe daily in the streets. You can hardly pass along any street of this great city, at any hour of the day, but you may see some poor creatures mad drunk with this liquor, and committing outrages in the street, or lying dead asleep upon bulks, or at the doors of empty houses. It is true, we have not now those public and open scenes of wickedness and debauchery that appeared in every gin-shop before the making of the law which you are now to repeal; but the trade is carried on, though more privately, yet with as great excess as ever; and the reason we do not see more objects in streets, is because most of them sleep out the dose in the private corner where they took it in. But you are now to render the vice as open and bare-faced as ever; for if this Bill passes into a law, I shall expect very soon to see gin-shops opened again in all our most public streets, and all those scenes repeated which appeared so shocking in the year 1735. Some of your lordships may perhaps imagine, that the additional duty will raise the price of the liquor, and thereby diminish the abuse of it: but whatever effect this may have, will be more than counterbalanced by the licence to sell it openly, and the numbers that will be endeavouring to undersell one another; for no man will sell at so small a profit when he runs a great risk, as he will do when he runs none; and every one knows, that where there are great numbers of sellers, the price of the commodity they deal in will always be less than when there are but a few. I am therefore sincerely of opinion, that this liquor will hereafter be sold cheaper than ever it was before, consequently the excessive use of it will become

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more frequent, and every year more general; so that most of our poor labourers and mechanics will either murder themselves by drinking this poisonous liquor to excess, or they will become riotous and be murdered by your soldiers, in pursuance of the riot act; therefore, if this Bill be passed into a law, I hope, some of your lordships will rise up and move for a repeal of the riot act; for I should think it very hard to intice poor people to become riotous, by provoking them to drink gin, and then to murder them because they are riotous; I say, my lords, provoking them to drink gin, because I shall look upon every licensed retailer, as a deputy under the government, set up to provoke and tempt the poor to get drunk with gin; and as I must look upon them in this light, I cannot as a friend to my country, and as a member of the christian church, give my consent to the setting up of any such deputies.

The Earl of *Ilay:*

My lords; as we are not now in a committee upon the Bill, it is a little irregular to take any notice of the additional duty proposed to be laid on home-made spirits, or to consider whether it be too high or too low; but as other lords have given their thoughts upon this subject, I hope, I shall be excused, if I trouble you likewise with mine; and I must say, my lords, that if we were at full liberty to settle the quantum of the duty, without endangering the loss of the Bill, I should be extremely easy as to the quantum of the duty to be laid on. This, I say, should be my way of thinking, if we were at full liberty; but whatever foundation the other House may have for their pretence, your lordships all know, that they have for some years insisted upon our having no power to amend a money-Bill; consequently, if we should make any alteration with respect to the duty, it would certainly occasion the loss of the Bill, and thereby a great part of the supplies granted for the current service must remain unprovided for, till some new Bill could be prepared, brought in and passed, which could not be done in less than six weeks, perhaps not in ten.

For God's sake! my lords, let us consider the situation we stand in at present, let us consider the situation Europe stands in at present. As to ourselves, our navigation and commerce lie at stake in our war against Spain. Ships of war must be fitted up and provided for defending our trade, and for defending our dominions, as well as for annoying the enemy; and as the season of action approaches, this must require immediate disbursements. Then as to the situation of Europe, its liberties are confessedly in the utmost, the most imminent danger, by the war now carrying on in Germany: his majesty must be, we know he is, engaged in the most important negociations for averting this danger, which negociations require not only an immediate expence, but the very fate of them may depend upon his majesty's having a plentiful supply of money, which he cannot have till we have provided for, as well as granted the supply. How would it sound in a foreign ear to hear, that at such a crisis the two Houses of the Parliament of Great Britain had fallen into a dispute about gin, and that the affairs of Europe, nay our own affairs, must stand in suspence, till these two Houses have settled this most important dispute? Do not your lordships see that, besides the danger attending any delay, the cause of the delay would occasion our being laughed at and ridiculed in every court, in every country in Europe; and I do not think the dispute, as to the quantum of this duty, of such importance, that rather than not have it settled to our mind we should run the risk of being laughed at, and much less that we should upon that account expose our navigation, our commerce, and our dominions to be insulted by the Spaniards, and the liberties of Europe to be swallowed up by the French.

The affair is not, my lords, of this importance, even suppose we were by this Bill to put it out of our power ever to raise the duty higher; but this, my lords, is far from being the case. Our ministers may perhaps have some influence in the other House, in questions of a disputable nature, and it is reasonable they should; but their influence there would appear to be very inconsiderable, if they should attempt to push a question there that plainly appeared to be inconsistent with the public good; and therefore, if by experience it should be found, that this Bill, by the smallness of the duty, gave encouragement to the excessive use of spirituous liquors, the other House would certainly bring in and pass a Bill for a new additional duty; and, I hope your lordships will always have some influence there, especially when you have reason on your side; so that, though such a Bill cannot properly be brought first into

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this House, yet by your influence it might be brought in and passed through the other House. Nay, if the excessive use of spirituous liquors should appear to be the consequence of this Bill, the ministers themselves would, for their own interest, patronize, and probably bring in a Bill for an additional duty, because they would lose much more by a diminution in the other branches of the public revenue, occasioned by the excessive use of spirituous liquors, than they could get by an increase of the revenue arising from the duties on those liquors.

There is therefore, my lords, not the least danger of our being under any inability to heap new duties upon these liquors, if by experience we find, that the duties and regulations now proposed are not effectual for preventing the excessive use of them among the poor; but in all our future consultations upon this head, I hope we will have a regard to the British distillery. I am sure, your lordships would chuse to have our people consume our home-made spirits rather than those of any foreign manufacture; and therefore we must take care not to raise the duties so high as to make room for the latter. As long as our home-made spirits are retailed a good deal cheaper than foreign, frugal people will prefer them because of the great difference in the price; but if by heaping duties upon the former, you should make the price near equal to that of the latter, even the frugal part of mankind would prefer the latter, because the difference in the price is more than atoned for by the difference in the goodness of the liquor. For this reason, I think, it is the most prudent way to proceed by degrees in raising the duties upon home-made spirits; because as soon as by raising the duties you have put a stop to the excessive use among the poor, every farthing addition after or above that, is an unnecessary burden upon your own distillery, an encouragement to the consumption of foreign spirits, and consequently a double loss to the nation.

This, my lords, is my reason for not laying at first a higher additional duty than is now proposed: let us try what this will do; and if it has not the desired effect, we shall in a year or two be the better able to judge what will. But I must observe, that the reasoning of the noble lords who have spoke against this Bill, seems to be a little inconsistent. Some have argued, that the Bill will produce such fatal consequences, such innumerable mischiefs, that it must be altered or repealed in a year or two, and consequently the money to be borrowed upon this fund will become a mortgage upon the Sinking Fund, which they have represented as the greatest evil that can befal us. Others again say, that it will produce such a revenue, that our ministers will never part with it, but will rather suffer all the evils it may produce to continue, and that consequently we shall never be able to alter or repeal it. Surely, my lords, one of these two ways of reasoning must be wrong: in my opinion, they are both wrong: we may hereafter alter the Bill: we may raise the duties upon the still-head as high as we please, without abolishing the duty upon licences, which is the only duty to be mortgaged, and will always, I believe, be sufficient for answering the sum which is to be borrowed upon it. This method of reasoning is therefore certainly wrong; and I have already shewed, that the other is equally so; because, if the smallness of the duty now proposed, should encourage the excessive drinking of spirituous liquors, it will be the interest of our ministers, as well as of every other man in the nation, to alter this Bill, or to bring in a new Bill for increasing the duty.

For these reasons, my lords, I shall be for passing the Bill without any amendment; and there is one thing that makes me more strenuous for this than I should otherwise be, which is the repeal contained in this Bill. The law which is hereby to be repealed, was passed in a sort of a mad fit, and has been an affront to our government ever since it was passed. Every man that could foresee any thing, foresaw, that it was such a law as could not be executed; but as the poor had run gin mad, the rich had run anti-gin mad, and in this fit of madness, no one would give ear to reason. As soon as the law was passed, the government saw, that it would be dangerous to put it in execution, and were therefore obliged to arm themselves, as if they had been to engage a public enemy: soon after it was passed, it was found, that it occasioned the frequency of a crime still worse than getting drunk with gin, which was perjury; and as the mob could not distinguish between a true and a false informer, they became equally liable to their resentment, which occasioned frequent riots, and at last murders, so that the government was, at last, obliged to drop endeavouring to execute the law, and the

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mob have, ever since, drank gin in defiance of the law. What has been the consequence, my lords? It has raised among the people such a contempt of law, order, and government, as has spread itself among all degrees of men, and in every thing that relates to public affairs. The people in general are become so licentious, that the government is affronted daily, weekly, and monthly, in print. It is become a sort of trade to do so; and that author, that scribbler, I should say, gets the most money, who dares approach nighest to sedition or treason. The king, whose name and character ought to be sacred, is ironically treated in the most scurrilous manner: even the legislature itself is abused; and the populace pretend to dictate to us in every thing: they will not only have triennial parliaments but annual ministers; and the very dregs of the people pretend to be better judges of the interest of the nation, and the nature of our constitution, than those of the best estates and families amongst us. This I take to be in some measure owing to the impunity and success the populace have met with in transgressing the late act against spirituous liquors, which by this Bill is to be repealed, and therefore I shall be most heartily for having this Bill passed into a law.

Feb. 24. The House went into a committee on the said Bill.

Lord *Lonsdale* stood up and said:

My lords; as I have a very great concern for the health and welfare of the labouring poor: as they are the chief support, and therefore their preservation and increase ought to be the chief care of the magistrate and legislature of every society; I have been at some pains, since the second reading of this Bill, to enquire into the effects of gin-drinking among the labouring poor of this kingdom. For this purpose I have conversed with some of the few of our parsons of parishes, that make a conscience of their duty, and think the soul of a poor man or woman as worthy of their care as the soul of a rich one: I have conversed with the overseers of the poor in several of our out-parishes, and even the parish nurses I have not neglected to examine. From all these I have such shocking accounts of the fatal effects of gin-drinking amongst the vulgar, that I cannot think, your lordships have sufficiently considered the consequences of passing this Bill into a law, otherwise you would not have given it so much countenance as you have already done. If your lordships were to sit in some spacious plain, and to have all the sufferers by this abominable vice brought before you, it would be such a shocking sight, that humanity itself would make you reject a Bill which is to give a loose, nay a licence to a vice that makes such havoc among mankind. To see men enfeebled and consumed, or rioting in all the most horrid sorts of wickedness: to see women naked and prostituted: to see children emaciated, starved, or choaked; and all by the use of this pernicious liquor called gin, would surely make you reject with disdain a Bill which is to set up, by public authority, 50 or 100,000 houses in this kingdom, as traps for drawing the unthinking vulgar into the excessive use of this liquor.

To lead men into temptation is a character, my lords, and one of the worst characters of the worst of beings. To prevent our being led into temptation is a petition which, by the greatest authority, we are taught to put up to our great Creator: what then shall we say of an assembly of lawgivers, who gravely sit, and advisedly enact a law for establishing, by authority, a great number of housekeepers, whose sole or chief business is to be, to tempt their fellow-creatures to be guilty of one of the worst sort of crimes, a crime which is productive of all other sorts of crimes? Could such an assembly be supposed to consist of Christians? Could it be supposed to consist of human creatures? Would it not be supposed to be an assembly of devils? What then shall we say of ourselves, my lords? What shall we say of the Bill now under our consideration? It is evidently a law such as I have described; for when you grant a man a licence to sell gin, it becomes of course his interest, and consequently will be his business, unless he has more virtue than those that granted him the licence, to tempt and draw people in to the excessive use of that liquor.

But we are told, the people will drink gin: they will get drunk with gin; and if you do not allow them to drink it publicly, and by authority, they will drink it clandestinely and without authority. Why then, say the advocates for this Bill, may not the government avail itself of this vice and since the people will be vicious, make them pay for being vicious. Is this, my lords, a way of arguing in a Christian

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country? When we consider how destructive this vice is to the health, as well as the morals of the people; can we say it is a way of arguing consistent with humanity? When we consider how this vice enervates the soldier and the sailor, and how it stupifies the mechanic and the manufacturer, can we say that this way of arguing is consistent with our security, our trade, or our navigation? Surely, the more prone the people are to the vice, the more rigid should the laws be against it, the more diligent the magistrate to put them in execution. It was not the severity of the late law that raised the indignation of the mob against it: it was the distinction so plainly made by that law, between the poor and the rich. If a man was rich enough to buy two gallons at a time, he was by that law to have as much as he pleased of any spirituous liquors whatever, and at as cheap a rate as formerly; but if he was so poor as not to be able to purchase two gallons at a time, he was not, upon the most urgent necessity, to have a single dram of any sort of spirituous liquors, or at any rate, unless some rich person gave it him out of charity. It was this invidious distinction between the rich and the poor, that set the mob so much against the execution of that law, and made them more fond of dram-drinking than ever; because they then began to look upon it as an insult upon the rich, who had attempted to deprive them entirely of it, at the same time that they reserved to themselves a free indulgence.

For this reason, my lords, I do not know but it would be better to repeal that law than to leave it a standing law unexecuted, because the repeal might give a turn to the inclinations of the poor, whereas, while it stands unexecuted, it stimulates their inclinations, without restraining their power. But if that law is to be repealed, I hope, your lordships will think of some law in its stead, that may be executed, and will put a stop to the evil. I hope, your lordships will never think of this destructive vice as a fund for raising money. That vermin of projectors who haunt the levees of ministers, may think of such a fund, because they have no regard to any thing but the project they recommend; and ministers are but too apt to give ear even to their most ridiculous projects, if they have but the appearance of bringing in a great deal of money to the public treasury; but, I hope, your lordships will consider all the other consequences, and will never approve of a project, let it have what appearance it will of bringing in money to the public treasury, if it be evident, that it must end in the destruction of the laborious poor, which is plainly the case of the Bill now under our consideration; for in the former debate it was made appear, and, indeed, from the nature of the thing it is apparent, that the small additional duties proposed by this Bill, will be all borne by the distiller and retailer; so that the poison itself will be sold as cheap as ever it was before, and the free access, which the poor are by this Bill to have to it, will certainly encourage the consumption.

For these reasons I must think, your lordships have not fully considered the nature of this Bill; therefore I shall move, that the House may be resumed; and if that is agreed to, I shall then move to put off the committing it for a week, that in the mean time you may have an opportunity to examine the justices of peace, who will give you an account of what multitudes of riots proceed from gin-shops; the parsons of some of our out-parishes, who will tell you, that a deluge of immorality and profaneness flows from those receptacles of drunkenness and lewdness; the physicians and nurses of our hospitals, who will inform you, that a vast multitude of diseases and accidents proceed from gin-drinking; the overseers of the poor, who will tell you, what numbers of poor objects are brought upon the parish by a too free use of these liquors; and if any of the gin-shop-keepers themselves are honest enough, they will tell you, that when poor creatures fall once into the habit of gin-drinking, they never leave it off as long as they have a rag to wear, or a leg to crawl on. And when your lordships have had a full account of all those dismal consequences, I am persuaded you will have too much humanity to pass a Bill for encouraging and authorizing this destructive vice. Therefore, I shall now conclude with moving, that the House may be resumed.

The Earl of *Ilay:*

My lords; though the noble lord has been pleased to move only for resuming the House, yet from what he has said, you may perceive his intention to be that the Bill should be rejected; therefore I rise up to speak to your form and usual method of proceeding, and, I believe there is no example of your rejecting a

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Bill in the committee, after reading the first or second clause only. If it be a Bill your lordships think essentially wrong, or such a one as cannot be amended so as to make it a useful Bill, you reject it upon a second reading: if it be a Bill which you think may be amended, so as to make it a good Bill, you go through it in the committee, and if after having there made all the amendments you can, it appears still to be a defective or inconvenient Bill, you throw it out upon the report, or upon the third reading. For this reason, as the noble lord's motion is contrary to that method of proceeding which has been continually practised by your lordships, I hope, you will not agree to it; for if you think the Bill ought to be rejected, you ought to do it directly: it is inconsistent with the dignity of this House to take such an indirect method of rejecting it; and if it is to be at last rejected, the sooner you do it the better, that the other House may the sooner have an opportunity to provide otherwise for the current service of the ensuing year.

The Earl of *Aylesford*:

My lords; as I have not lately looked over your journals, and never did with a view to the question started by the noble lord who spoke last, I am not so much master of the thing as to bring you presently an example of your having, after reading the first or second clause, put off the committee upon a Bill; but that you may do so, and even that it may be necessary for you to do so, is so agreeable to reason, that I cannot doubt of there being precedents for it; because, when you come to consider every clause by itself, which you never do, till the Bill comes before you in a committee, such difficulties may occur, upon the first, or any other clause in the Bill, or such facts may be started and disputed, as may be impossible to be solved or determined without a further consideration or enquiry. But if no such example or precedent should appear upon your journals, it is no reason why you should not now do what is in itself so necessary and so agreeable to reason.

This, my lords, must be admitted with regard to any Bill that can come before you, but with regard to such Bills as this now before you, there is a stronger reason, which is, your not having a power to amend it without endangering the loss of the Bill; for if you think, you cannot agree to this or any other clause of the Bill without some amendment, why should you proceed any further? Why should you give yourselves the trouble of amending a Bill, when you are morally certain that your amendments will signify nothing? And if upon further consideration it should appear, that the smallness of the duties proposed to be added by this clause, will rather increase than diminish the consumption of spirituous liquors, you cannot in conscience agree to this clause without an amendment; therefore this point ought to be determined, before you give yourselves the trouble of proceeding upon any of the other clauses of the Bill; and this point you cannot, I think, determine, without having some of the distillers and retailers examined; for which reason I shall be for my noble friend's motion, that you may have an opportunity to call some of the most eminent distillers and retailers to be examined at your bar.

The Earl of *Ilay*:

My lords; I am surprised to hear any member of this august assembly make use of such an argument as to say, that we have not power to amend this Bill. This, my lords, is a point which I shall never give up. We have a power to amend this Bill, or any Bill that can come before us. The other House, I know, has of late contended, that we have no power to amend a money Bill; but this we never yet gave up. It is an incroachment, or rather an usurpation in the other House, which is not as yet made a part of our constitution, nor established by any constitutional authority. They have not as yet been so hardy as to make any express order even of their own House against it: they have only resolved, not to have a conference with us about any such amendment, and even this is so late as since the Revolution. But this they may avoid by agreeing to our amendments, as they did in a late instance, I mean the famous Bill for preventing Bribery and Corruption at Elections.

If your lordships therefore think it necessary to amend this clause, you may, without any moral certainty of the Bill being thereby lost; but as to the reason given for its being necessary to amend it, I think, there is not the least ground for it. From all former experience we may conclude, that the additional duties now to be imposed, small as they are said to be, will increase the price to the consumer,

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and consequently diminish the consumption, especially among the poor, who are seldom able to pay for a debauch, even at the present price. In all cases of new duties imposed, we have generally found, that when the government laid a tax of one penny upon the manufacturers or retailers, they laid a tax of two pence upon the consumer; and will your lordships examine witnesses against a fact established by such a long course of experience? It is impossible for you to believe any evidence against a fact so established; therefore, I think, you have no occasion for any farther consideration or examination as to this point, nor, in my opinion, to any other; and consequently there is no necessity for postponing the Bill, which, as it is a Supply Bill, ought not, I am sure, at this critical conjuncture, to be postponed, without a very evident and urgent necessity.

The Duke of *Bedford*:

My lords; the noble lord who spoke last, certainly mistook the meaning of my noble friend who spoke immediately before him. He did not mean, that we have no power to amend the Bill: I believe, he will be as tenacious of that point as any lord in this House; he meant only that we could not amend the Bill, without running a risk of its being thereby lost; and he was, without all doubt, in the right. We shall not only run a risk, but, in my opinion, there is an absolute certainty of the Bill being thereby lost; not only on account of your amending a money Bill, but on account of your altering entirely both the nature and the intention of the Bill. When the other House sent it up to your lordships, they intended it as a Supply Bill: as it stands now it is a Supply Bill, and will, I foresee, bring in a very plentiful supply, which is one of my chief reasons for being against it, because this very effect will, I am afraid, put it out of our power ever hereafter to repeal or alter it, or to remedy the evil so justly complained of. But if you amend this clause, as I think it ought, and as all the lords who have spoke upon the same side of the question, seem to think it should: if you lay such a duty upon the still-head, and upon licences, as will amount very near to a prohibition, at least with respect to the poor's committing any debauch in these liquors, the Bill will be no longer a Supply Bill: it will be a restraining prohibitory Bill; and will diminish, instead of adding any thing to the public revenue, at least that revenue arising from the duties upon home-made spirits.

After having thus explained, and, I hope, justified, what I take to be my noble friend's sentiments, I must declare, my lords, that I am for your going through the Bill in a committee, and amending, if you think necessary, every clause in the Bill, especially that now under your consideration, so as to make it, instead of a Supply Bill, such a prohibitory and restraining Bill, as will put an effectual stop to the national evil so long, so loudly, and with so much reason complained of. This I am for, my lords, not because I suppose that, when you have so amended it, this very Bill will be passed by the other House, but because it will shew the other House, what sort of Bill your lordships desire to have passed; and because the laying of a high duty upon the still-head, with a small duty upon licences, and severe penalties upon selling without a licence, is the only effectual remedy for the evil; from whence, I hope, some public-spirited gentleman of the other House will be taught and encouraged, either this session or the next, to move for and bring in such a Bill. For this, which is a very sufficient reason, I am for your going through and amending the Bill in a committee; but as there is no occasion for our being in any great hurry, because from the fate of this day the other House will see, they must not expect this as a Supply Bill, and may consequently resolve immediately to provide by some other method for the supply: I say, as we have not, for this reason, any occasion to be in a hurry, and as I am convinced, the more you examine into this matter, the more you will be inclined to comply with what I propose, therefore I shall be for resuming the House, and putting off the committee for a week, that you may have an opportunity to examine all such persons as have been mentioned in this debate, and also such others as may hereafter be thought capable of giving you any information.

As to this, my lords, whatever the noble lord who spoke last may think, I must be of opinion, that it will be absolutely necessary to examine some of the distillers and retailers, not only to know the effect of the small additional duty now proposed, but to determine what additional duty may be proper for putting this liquor so much out of the reach of the poor, as to prevent their drinking it to excess, without doing



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a greater prejudice than necessary to our home distillery. And here I must say, I am surprised, that the noble lord who spoke last, could not distinguish between the necessaries and the luxuries of life. When you lay any tax upon the former, the manufacturer or retailer will certainly lay another tax upon the consumer, by raising the price at least to double the duty; but when you lay any tax upon the latter, both the manufacturer and retailer will chuse, and will certainly resolve to sell at a less profit, because, the least heightening of the price would certainly diminish, and might put an entire stop to the consumption, which would, without doubt, be the consequence with respect to home-made spirits, if they could be sold no cheaper than true French brandy, or old Jamaica rum. From whence your lordships must see, how necessary it is for you to have the distillers and retailers examined upon this occasion, and therefore, I hope, you will agree to the noble lord's motion.

Lord *Carteret:*

My lords; I have heard, I have had a share in many debates in this House, and have often heard the subject of the debate very much mistaken, or very much departed from, but never more than in our present debate. The evils arising from the excessive use of spirituous liquors, and the prevalence of that vice at present, have been acknowledged by every lord who has spoke in favour of this Bill. What occasion is there then for long declamations against those evils, or against its being the prevailing vice amongst the poor of this age? What occasion have we for a tedious examination of a great cloud of witnesses, to prove facts which are upon all sides acknowledged to be true, which were in the other House the principal inducements for bringing in and passing this Bill; and which, certainly, ought to be prevailing motives with us for concurring with them in so salutary a measure as a Bill now under our consideration.

On both sides, my lords, it has been likewise acknowledged, that the laws in being are not sufficient for putting a stop to those evils, much less for putting an end to them. Nay, it has been acknowledged, that it is impossible to prevent entirely the excessive use, and much less the use of spirituous liquors; and if either is to be done, the noble duke who spoke last has admitted, that a duty upon the still-head, and preventing their being sold without a licence, are the proper methods to be taken for doing it effectually. These are the very methods proposed by this Bill; but, say its opposers, the duties proposed are not high enough: the distillers and retailers will bear the whole burden of the duties, consequently, the liquors will be sold to the consumer as cheap as ever; and the free access they are by this Bill to get to them, will increase instead of diminishing the evil.

My lords, though the duties are not by this Bill raised so high as they afterwards may, and ought to be, yet I cannot grant, that the liquors will come as good and as cheap to the consumers as formerly, or that the distillers and retailers either will, or can bear the whole burden of the duty. The duty, it is true, to appearance, is but small, and must be thought so by your lordships who have such opulent fortunes; but if we consider the price of the commodity, and the circumstances of the purchasers, the duty must be thought very high. The duty is 6*d.* a gallon, and the commodity is but 18*d.* or 2*s.* a gallon at most; and I cannot think, that a duty equal to one third or one fourth of the manufacturer's price, can properly be said to be a small duty. As the distilling trade has been a standing trade for many years, without any restraint or monopoly, we must suppose, they now sell as cheap to the retailer as they can possibly afford, consequently they must sell dearer or make their liquors worse. If they make them worse, the consumers will not purchase them at any rate, and therefore they must sell them dearer. Suppose they add exactly the duty, and no more, to the price they formerly sold at: sixpence a gallon is three farthings a pint, supposing the retailer should add nothing for reimbursing what he pays for his licence, which is not to be supposed: he will certainly add at least the other farthing; and a penny in a pint will be thought a very great addition to the price, by a poor creature that earns but 3*d.* or a groat a day, which is the case of many a poor manufacturer in this kingdom.

As to the access, my lords, if this Bill be passed into a law, it will not be near so free as it is at present; for by the impossibility of executing the law now in being, the liquor called gin is not only clandestinely but openly sold at more places, I believe, than ever it was before the law

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was passed, so that it may now be had, and all the poor know it may be had, at every little shop, nay at every corner in the kingdom, frequented by any number of people. Whereas, as soon as this Bill is passed, all the illegal venders must give over the trade, because the licensed will take care to have them prosecuted, if they do not; so that even gin itself will be to be had no where but at the better sort of ale-houses. This I take to be the principal advantage proposed to be got by this Bill: it will take the trade out of the hands of those, who, by being below, set themselves above the law; because it will furnish the government with a set of reputable persons, whose business it will be to inform against, and prosecute such illegal and scandalous dealers; whereas at present no man will be at the trouble to inform, because there is nothing to be got by the information. Thus the Bill will bring the trade under some regulation, by confining it to those, who have some credit, and live comfortably by their business. Such persons will be afraid to admit of great abuses or debauches, lest it should occasion their licence to be taken from them; for as the justices of peace have a power, they may, and I hope, will withdraw their licence, as soon as they are informed, that the person licensed makes a bad use of it.

Having acknowledged, my lords, that the duties now proposed are not so high as they ought to be, I shall endeavour to account for this defect. My lords, this Bill is and was at first designed but as an experiment: you may encrease the duties next session of parliament, if you then think proper; but it was thought dangerous to raise them very high all at once, lest it might have occasioned the continuance of the illegal and clandestine way of selling gin, which is now so frequent, and lest the multitude of prosecutions thereby occasioned, might have revived that spirit among the populace, which appeared so violent against the execution of the law now in being; for where the profits to be made by smuggling are very considerable, many will run the risk, let the penalties be never so severe, or the danger never so great, as appears at present in the case of wool, French brandies, and tea. This, I think, was a prudent caution at the beginning, but will not be so necessary in a year or two; because all those, who now live by the clandestine selling of spirituous liquors, will in that time have either taken out licences, or will be got into some other way of living, and will not be so apt to re-assume the trade, as they would now be to continue it. Therefore as the duties cannot, with any prudence, be raised higher at first, we have at present no occasion to examine distillers or retailers, as to the height they may be raised to hereafter.

In short, my lords, this Bill, if passed into a law, will certainly, in my opinion, have some effect as to the restraining of the vice complained of; and it is attended with this advantage, that it puts you into a way, by which you may, by degrees, restrain it as much as it can be by any human law or power; but this is not to be done all at once, nor can it, I am afraid, be ever done altogether. Some people will follow their inclinations, though they know death to be the certain consequence. I have heard of a gentleman, who being dangerously ill of a dropsy, sent for a physician. When the physician came, he found the gentleman with a pot of liquor upon his table; and asking the gentleman what it was? A pot of fine ale, says he, with toast and nutmeg. The physician immediately said, Sir, you must not touch it: it is certain death for a man in your condition. Not touch it, doctor! replies the gentleman: why, if my grave were on this hand, and that pot of ale on the other, I would drink it, were I sure of being thrown into my grave next moment.

This, my lords, is a single instance of the perverse will of some people; but the whole country of Ireland, at least the common people there, may be brought as an instance of the same kind: they have in that country a spirituous liquor called Sheepey, which by many experiments has been found to be perfect poison; for which reason strict laws have been enacted against it, and severe punishments inflicted upon those that distil or retail it; yet as it intoxicates, and may be had cheap, though the people know how pernicious it is, they will drink it, and in spite of all the government can do, they fall upon ways and means to get it. Our gin is not of such a pernicious nature as this Irish liquor: if drank moderately, it may sometimes be of service: like all other strong liquors, the vice consists in the excess: but as it is a sort of luxury, even when it is not drank to excess, why should not the government avail itself of this luxury, as well as it ought to do of every other luxury? It is the luxury you are to tax, and that will in

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some measure restrain the vice; but the vice, when the person guilty can be legally convicted, ought to be punished, and you have proper laws for that purpose; for surely you will not absolutely prohibit what is in itself innocent, often useful, and sometimes necessary, for the sake of preventing a vicious abuse of it; especially as the manufacture supports great numbers of your people, and the commodity some valuable branches of your commerce.

Having thus shewn, my lords, that this Bill must necessarily, in some measure, restrain the excessive or vicious use of spirituous liquors amongst our labouring poor, I must put your lordships in mind of another very great advantage it will be attended with, which is that of setting us free from two laws, that are both of the most dangerous consequence to our liberties: one is the famous act called the Pot act, which, as it gives a discretionary power to the commissioners of excise, to raise the tax to 6*l.* or lower it to 20*s.* per annum, must have an effect upon the vote of every ale-house keeper within the bills of mortality, and this must affect the freedom of election all over the kingdom, because many of those ale-house keepers have votes in other counties, cities, or boroughs, besides Middlesex, Surry, London, and Westminster. The other law we are by this Bill to get free from, is, the act for laying a duty upon the retailers of spirituous liquors. This law, my lords, is a most dangerous, a most ensnaring law, and would be a most terrible instrument in the hands of a wicked oppressive minister; for it not only enacts, that you shall not sell, but that you shall not utter any spirituous liquors in any less quantity than two gallons. From the word, utter, it might be alleged, that a man could not so much as give a dram to his friend without incurring the penalty, and from hence any one, even of your lordships, might be convicted, and made liable to the penalty of retailing spirituous liquors, in a less quantity than two gallons, without a licence.

These two dangerous laws we are, my lords, to get free from by this Bill, if passed into a law, and this, I hope, will be an argument of some weight in its favour; but the chief argument is its being already passed, and designed by the other House as the method for raising a great part of the supplies for the ensuing year. This, I hope, will be an argument not only for your lordships passing this Bill, but for your passing it without amendment. I am as much against your giving up your power of amending money bills as any lord can be; but at the present conjuncture, when the affairs abroad are in such a ticklish situation; when they require the most speedy and the most strenuous interposition of this nation, it would be the height of imprudence, if not madness, to try experiments with the other House. A trial of this kind might breed such a contest between the two Houses, as would put a full stop to the wheels of our government, when the liberties of Europe, and consequently our own, require its acting with the greatest energy as well as freedom.

I shall grant, my lords, that if this Bill were rejected, some other method might be contrived for raising the necessary supplies: we are not as yet, thank God! so much reduced as to have but one resource. I hope, our enemies will find to their cost, that we have as yet a great many. But let us consider, that this fund has already been proposed to our monied men; and they have agreed to lend the necessary sums upon it at 3 per cent. We cannot depend upon having the money upon any new fund, at the same interest. It may in the mean time rise to 6 or 7 per cent: this very jumble in our affairs may be the cause of its rising to that height; for credit, public as well as private, is a most ticklish thing to be dallied with. It often evanishes without any apparent cause, and is sometimes hurt by accidents, which in themselves appear to be of little or no consequence. Therefore, I must give it as my opinion, that if your lordships have a just regard either to the liberties or the credit of your country, you will proceed in your committee upon this Bill, and go through it without any amendment; for the present state of foreign affairs requires the utmost dispatch: nay, the least demur in providing for the supplies of this critical ensuing year, might so much disconcert his majesty's negociations abroad, might so long delay his being able to resolve upon any scheme for his future conduct, and so much retard his preparations at home, that the season for giving relief might be irrecoverably lost; and if such a fatal disappointment should happen, I hope, the misfortunes the nation may be thereby exposed to, will not be laid at the door of any of his majesty's ministers.

Lord *Hervey*:

My lords; the noble lords who are

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advocates for this Bill, may acknowledge the evils produced by the drinking of spirituous liquors; but to those who view the Bill in the same light with me, they must appear to have very little concern about them; and therefore, may properly enough be compared to Romish penitents, who, after committing the most atrocious crimes, think they have made sufficient atonement, when they have solemnly confessed them. But their thus freely acknowledging the evils, without taking any proper method to prevent them, but on the contrary, resolving to license them, is no reason against our endeavouring in this debate to set those evils in a proper light; no more than it is a reason against preaching, that every one acknowledges the evils produced by sin. People should not only acknowledge the evil, but they should forsake, and endeavour to prevent the cause. It is the duty of our churchmen to endeavour to prevent the cause by preaching, it is our duty to endeavour to prevent it by wholesome laws, and adequate punishments; and when I think any proposed measure inconsistent with this duty, surely, I do not depart from the subject in debate, when I recommend to your lordships your duty, by endeavouring to raise in your breasts a due compassion for the misfortunes of your fellow creatures. For this, I know no way more effectual, than by laying before you, in their strongest light, the evils that have been, or will be occasioned by your neglect of your duty; and if there are persons, who from experience, know those evils better, and consequently can represent them more feelingly than I can, I ought to move for their being examined.

Upon this head, therefore, there has not been, nor can be, any departure from the subject in debate; but as the noble lord who spoke last, insisted chiefly upon two arguments, which were, that this Bill will, in a great measure, prevent the evils complained of, and that it is not safe to proceed farther at once, I shall confine what I have to say, to those two arguments, which, I think, are both fallacious. His reasons for believing, that this Bill will in some measure prevent the evils complained of, are, that it will bring the retail trade under some regulation, so that the poor will not have such free access to these liquors; at least to debauch in them, as they have at present; and that the liquors must be sold at a higher price, or not made so good in quality as they are at present; because, though the additional duty is in itself but small, yet, when compared to the price of the commodity, and the circumstances of the purchaser, it must be allowed to be high.

As to the first of these reasons, my lords, if I thought that the justices of the peace, and the peace officers would do their duty, I should admit there would be some weight in it; but when the consumption of these liquors is considered as a fund for bringing in money to the public treasury, I am from experience convinced, that they will not do their duty, that they will have private instructions from their masters the ministers, to neglect their duty; and as many of our constables and headboroughs are ale-house keepers, and will consequently become licensed gin-sellers, their interest will become inconsistent with their duty: and in such a case, we may easily judge, which of the two they will prefer. From hence, I must suppose the only difference to be, that if poor people now commit any debauch in these liquors, they must do it privately in the night-time, or in some by-corner; whereas, if this Bill be passed into a law, they will, as formerly, do it openly in our high-streets, and at noon-day.

Besides, as to the temptation, as well as access, can your lordships think, there is no difference between an avowed and a clandestine gin-shop? I know, or at least, have heard of another vice, which, thank God! is not yet licensed by public authority, because our ministers have never yet thought of raising a fund from it; and yet a common dealer in that way, I believe, generally knows, where the commodity is to be met with: so a common dealer in spirituous liquors may perhaps know, where there is a little clandestine gin-shop, and might know, were the law now in being more rigorously executed than ever it was; but one, who is no common dealer; one whose natural inclinations, or acquired habits, do not put him upon the search, may be quite ignorant, may continue all his life in that ignorance, and may consequently never be exposed to any temptation: whereas, if you pass this Bill, there will be a licensed gin-shop, with a pompous description of the liquors upon the sign-post, at every corner; so that no man can pass, without being exposed to the temptation, and will often be invited to partake of the delightful liquor by some old acquaintance, who may casually happen at that time to be with some friends



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in the shop. Must not your lordships from thence see, that the temptations to this vice will be more frequent and more alluring, after this Bill is passed, than they can be supposed to be at present? And every one knows, that a person's yielding to a few temptations of this kind, may lead him into such a habit, as he shall never be able to shake off. The noble lords may make what acknowledgments they will of the evils arising from the use of spirituous liquors, but I am sure, they cannot be touched with the thoughts or the apprehensions of those evils, in the manner they ought to be, if they pass a Bill, which so evidently and so necessarily tends to increase both the number and the force of the temptations.

The use of these liquors, I shall grant, may be innocent: while it is moderate, it continues to be so; but let us consider, my lords, that the use of no one sort of thing in the world, more naturally or more imperceptibly runs into an abuse, than the use of spirituous liquors. I have already shewn, that the licensing of houses will be no sort of check to this abuse, as long as you make either the use or the abuse, a fund for bringing money into the paws of our ministers; and now I shall shew, that this abuse cannot be in the least checked or prevented by the small additional duty proposed by this Bill. Upon this head, I must differ from the noble lord who spoke last, with regard to some very material facts; and this difference will shew, how necessary it is for us to make a farther enquiry into this affair than we have yet done. The noble lord said, that as the distilling trade has now been for many years exercised without any sort of monopoly or exclusive privilege, we must suppose, that the distillers now sell their liquors at as cheap a rate as they can possibly afford. In this I differ from his lordship; the very nature of the trade furnishes it with a sort of monopoly: it is so mysterious, that no man can know what profits may be made, unless he has been bred to the business; and the setting up of a distillery requires such a large stock, that no man will ever think of setting it up, unless he is well assured of the profits that may be made. This is the reason that, notwithstanding the unbounded liberty allowed by law, so few have set up or made a figure in this business, except those that were bred to the trade; and the great fortunes lately raised in a few years by some of the distillers, is with me a convincing proof, that it is the most profitable trade of any now exercised in the kingdom, except that of being broker to a prime minister. Therefore I must suppose, that the distillers do not now sell their liquors near so cheap as they may afford; and consequently, that they may take the whole additional duty upon themselves, and probably will do so, in order not to discourage the consumption.

Another very material fact I differ from his lordship in, is with regard to the quantum of the duty to be added by this Bill; for he called it 6*d.* per gallon, whereas upon the most pernicious sort of spirituous liquor, and the only liquor made use of by the poor, I say, the additional duty is but one penny, or three halfpence at most. The additional duty upon English brandies, aqua vitæ, and other sorts of fine home made spirits is, it is true, to be six-pence a gallon, because they are made or drawn generally from foreign materials; but common gin, which is the great and only nuisance complained of, is all drawn from English materials, and may be so made, as to be liable by this Bill to but three halfpence per gallon at most, which is so small an addition, that the distiller will certainly take the whole upon himself, rather than have the price raised, or the liquor made less palatable to the consumer. But suppose that every sort of spirituous liquor fit for retail, or that could be made fit for retail, were to be charged with 6*d.* per gallon additional duty, the question, whether or no the distiller will take the whole, or the greatest part of this upon himself, depends upon the profit he now makes; for if a gallon of spirits, which he now sells for 18*d.* does not cost him above 8*d.* or 9*d.* it is my opinion, he will take the whole upon himself, rather than discourage the consumption among the poor, who are his chief customers for this sort of liquor; for 20 per cent. profit is surely sufficient for any tradesman, and such as he will certainly be satisfied with, if he should find himself in danger of losing his trade by attempting to take more; so that this very question must shew the reasonableness of the present motion, and the necessity of your agreeing to it, that you may have an opportunity to examine such persons as may be supposed to know the fact, and willing to give you a faithful and true account of what they know. But the truth is, I fear, my lords, that the advocates for this Bill are against any delay, or any inquiry, be-

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cause they are sensible that every day, and every circumstance you examine into, will produce new objections to their Bill, or refute some of the arguments they make use of in its favour.

A third and a very material fact, the noble lord and I differ in, is in relation to the retailers. He supposes, they will advance the price at least a farthing a pint to their customers, in order to reimburse the 20*s.* per annum they are to pay for a licence. My lords, if they had now a licence to retail this liquor without paying any thing, and if the retailing of gin were not a very profitable trade, there would be some reason for this supposition; but as both these facts are known to be otherwise, I am surprised to hear any such supposition made. That the retailing of gin is a profitable trade, is manifest from the great numbers of people that run into it, notwithstanding its being contrary to law, and liable to many prosecutions and heavy penalties in case of conviction. Surely, the risk they run of incurring the penalty of 100*l.* for every dram they sell, is worth more than a farthing a pint: I am persuaded, there is not a retailer of any credit in the kingdom but will gladly pay 20*s.* a year to be free from this risk; and therefore instead of the liquor's being sold a farthing in the pint dearer, I must suppose, it will be sold a farthing a pint cheaper, or at less profit, than it was ever sold before by any retailer.

I shall admit, that a penny, or even a farthing a pint, is a great deal to an habitual gin drinker, because there may be many days in a year that such a one does not earn a farthing, being drunk or asleep from one end of the day to the other; but to a man who earns his 18*d.* or 2*s.* a day, as many labouring men do here about London, a penny is not of any great consideration; for notwithstanding that addition, he may still have near half a gill for a halfpenny, by which he may be encouraged to drink three or four drams in a day; and this is the evil now proceeding from the cheapness of that liquor, because this practice continued for a few days leads them into a habit of gin-drinking, and this habit gives a desire or appetite for the liquor, which increases upon him every day, till it first puts an end to his industry, after that to his morals, then to his health, and lastly to his life, if in the career of his wickedness he happens to escape being hanged for thieving, house-breaking, or murder.

Now, my lords, as to the argument drawn from the danger of the clandestine trade's being continued, in case the duties should be at once raised very high: my lords, if there were any clandestine trade in distilling, or if it were desired to lay any higher duty upon licences, this might be an argument of some force; but can it be pretended, that either of these is the case? It has not been so much as pretended, that there is now, or ever was, any considerable clandestine trade in distilling: concealments of all kinds are much more difficult in the distilling way than in the brewing, therefore, when you lay a duty upon the still-head, the distiller must pay it, let it be never so high, and if he pays a high duty, he must sell his liquors at a high price to the retailer; this will make them come so dear to the consumer, that the poor will not be able to purchase any great quantity; and this will put it out of the power of any little clandestine retailer to sell such a quantity as to make it worth his while to continue the trade. From hence your lordships may see, that you not only may safely lay a high duty at once upon the still-head, but that it will be a more effectual way for putting an end to the present clandestine retail trade, than the most severe penalties you can inflict upon retailing without a licence, as is evident from the experience we have of the law which is now to be repealed.

If a very high duty were to be laid upon licences, and no higher duty than is now proposed upon the still-head, I shall, indeed, grant, that it would occasion a continuance of the present clandestine retail trade; but has any one in this debate proposed laying a higher duty on licences? No, my lords: I believe, the duty proposed by this Bill will be found too high: I believe, it will occasion a continuance of the clandestine retail trade at many of the little shops in town, and all the hedge ale-houses in the country: as to the former, they can have a licence at no rate, and therefore they must either continue the trade in a clandestine manner, or give it over altogether: besides, if they could have a licence, it would subject them to the quartering of soldiers, which while they continue their clandestine trade, they are free from; so that to one of these shops or houses, a licence will really cost them 3*l.* a year or more. Then as to the little ale-houses in the country, though 20*s.* a year is a small sum, and such a sum as will be cheerfully paid by all houses in good credit and business, rather than run

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any risk, yet the keepers of those little ale-houses will rather risk going to the house of correction for two months, than pay 20*s.* for a licence; and, I believe, the projectors of this Bill will find themselves very much disappointed as to informers, for informers of all kinds are so much hated both by poor and rich, that no man in any business will become an informer for fear of losing his business. To say, that every ale-house-keeper that takes out a licence, will have an interest in becoming an informer, is a most fallacious way of reasoning. On the contrary, he would ruin himself if he did, because no man would afterwards go near his house; and therefore, if this Bill be passed in the shape it is in, I shall expect, in a year or two, to see the clandestine retail of gin as frequent as ever in our little shops and bye places; so that all you are to do by this Bill, is to give the better sort of houses a licence to retail this pernicious liquor openly and avowedly, and to leave the little shops and bye places to sell it privately as before: whereas, if you lay a high duty upon the still-head, you will at once put a full stop to the clandestine retail, and very much diminish even that which may hereafter be carried on by licence; which is, I am sure, what you ought to aim at, but is not, I am afraid, the design of those who first projected this Bill.

I shall conclude, my lords, with saying, that I was extremely sorry to find the noble lord so much put to it, to find any advantage accruing from this Bill, as to be obliged to resort to a forced construction put upon the gin-act, and an imaginary danger which he supposed might have arisen from the pot-act. As to the construction he put upon the words of the gin-act now to be repealed, it is such a one as no lawyer would ever have thought of, and I may venture to say, such a one as no commissioner of the excise, or justice of the peace, would ever have dared to have put upon it. And as to the danger he supposed might have arisen from the pot-act, it is altogether imaginary: the commissioners never yet attempted any such thing; and if they had: if they had been but suspected of raising any alehouse-keeper's tax, or lowering another's, on account of their way of voting at any election, the other House would certainly have taken notice of it, and would have punished them in a most exemplary manner. According to the same way of arguing, may it not be said, that all our excise laws are of dangerous consequence to our liberties; because by them the commissioners of excise have, in every case, a power to modify the penalty, and to remit the whole, or exact the whole, as they think fit; yet, I believe, the noble lord would now be very sorry to see his argument prevail so far as to cause a repeal of all our excise laws. But suppose his lordship in the right, with respect to both his observations, what has it to do with the amending of this Bill? If the proposed amendment should take place, both these laws would nevertheless be repealed, either by this Bill, or some other brought in in its stead: therefore, as I am convinced, your lordships, if fully informed, will agree to amend the Bill as has been proposed, I shall be for agreeing to the noble lord's motion.

The Earl of *Bath*:

My lords; I am not against a delay, or a farther enquiry into this affair, because of my being sensible, that time or enquiry would produce any new objections to this Bill, or strengthen those that have already been made; but because of the dangerous and ticklish situation we are in with regard to foreign affairs. If it were not for this, I should be for your taking as much time to consider, and as many methods to get informations, as any lord could desire; because, I am convinced, the more you consider, and the better you are informed, the more you will approve of the Bill now before you. But, my lords, in the present situation of the affairs of Europe, when its liberties are in so much danger; when all the courts in Europe, that are concerned for their preservation, are looking stedfastly upon this; when even the enemies of public liberty are looking stedfastly upon our proceedings; the former in doubt, whether they shall tamely submit to their impending fate, or firmly and bravely unite in opposing it: the latter in doubt, whether they shall dare to proceed in the ambitious schemes they have formed, or restore the tranquillity of Europe upon such terms as will put an end to them: in such circumstances, I say, the least delay in a Bill upon which a great part of the supplies for the ensuing year depend, would be of the most dangerous consequence, especially if from that delay people should have reason to conclude, that the Bill itself would be lost, and his majesty's resolutions, as well as his prepa-

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rations, put to a full stop for a month or two at least, which would be the consequence of the delay now proposed.

From such a delay, my lords, his majesty could not but suppose, that his parliament was against, or at least very indifferent about his concerting any measures for preserving the balance of power; and upon such a supposition, could his majesty proceed in any of those negociations he may now have upon the carpet? Could he assure any of those powers, who now may be willing to join with him, that he would seasonably and vigorously support them? If his majesty could give no such assurance, can you expect, that any of those powers, who are exposed to an immediate attack, would precipitate their own ruin, by fruitlessly endeavouring to prevent that of their neighbours? The Dutch have but just come in to your measures: the States of Holland have just resolved to assist the queen of Hungary with 20,000 men; but if they should hear of this motion's being agreed to, it would discourage them from proceeding in that resolution, and as it is not yet agreed to by the other provinces, it would certainly be laid aside. The king of Sardinia, whose chief dependence is upon the assistance he may expect from this nation, would from that moment despair of getting any farther assistance, and would, consequently, accept of the best terms he could get from France and Spain. Even the queen of Hungary, upon seeing herself deserted by you, and in course by all the rest of Europe, would resolve to submit to the terms offered by France; and thus, for as trifling as this motion may seem to some of your lordships, yet upon the fate of it may depend the fate and the liberties of Europe.

Let us consider, my lords, how near the time for action approaches. If we are resolved to have any share in the operations of next campaign, it is high time for his majesty to be resolved, and to begin to prepare; but he can neither resolve, nor begin to prepare, till this Bill, or some such Bill as this, be passed. If any of the other powers of Europe think of taking a share with us in the operations of the next campaign, it is high time for them to resolve and to begin to prepare; but they can neither resolve, nor begin to prepare, till his majesty's resolutions are known. How dangerous then must it be for us at this season of the year, to delay a Bill of this nature? How much more dangerous to do any thing by which the Bill would certainly be lost? At another time, the loss might perhaps be repaired by another Bill for the same purpose; but upon this occasion, and at this critical season of the year, it will be impossible to repair the loss, because before any new Bill can be passed, foreign powers will have taken their resolutions, as to their conduct for next campaign at least: we cannot then make them alter their resolutions; and before the end of next campaign, the liberties of Europe may be past redemption.

I hope I have as great a concern for the lives of my fellow subjects as any lord in this House, or as any man can have; I have as great a concern for their lives as I have for my own; but as I have a greater concern for my own liberty than I have for my life, so I have a greater concern for the liberties of the people of England than I have for their lives; and shall never give myself any trouble about preserving the life of any man, who, I think, does not prefer his liberty to his life. If the liberties of the people of this nation should be destroyed by the rejecting of this Bill, they will have but little reason to thank those who, upon this occasion, pretend to shew such a concern for the preservation of their lives; for if ever such a fatal misfortune should happen, they only would be happy who did not live to see the thraldom of their country, or to feel the fetters of slavery. Therefore, if there were really some ground for apprehending, that this Bill would encourage the consumption of spirituous liquors, or promote any excess in the use of those liquors, as this inconvenience may be remedied the very next session of parliament, I cannot help suspecting, and, my lords, I will take the freedom to declare my suspicion, that the violent opposition to this Bill proceeded originally from something else than a concern either for the lives, the healths, or the morals of the people.

But, my lords, when I consider that, notwithstanding the law now in being, all sorts of spirituous liquors are sold at as many places, as openly, and at as cheap a rate as they could be, were this Bill passed into a law, I wonder how any lord in this House can be imposed on by such a pretence. It is well known, that punch and drams of all sorts, even common gin not excepted, are now sold openly and avowedly at all public houses, and many private shops and bye-corners; and it is likewise known, that they are now sold as cheap as they were before the present law was en-



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acted, so that retailers of all kinds either think they run no risk, or charge their customers nothing for that risk; therefore it must be admitted, that this Bill, should it pass, can do no harm. It can neither increase the number of retailers, nor diminish the price; because the number is now as high as it could be, and the price as low as the liquor could be afforded for, were you to repeal the present law without enacting any thing in its stead. This Bill cannot therefore increase the consumption, or promote the excess; and if the duties proposed by this Bill do not diminish both the one and the other, they will at least have one good effect, which is that of furnishing the government with a fund for carrying on a most necessary war. By passing this Bill, therefore, you are sure of doing some good and no evil: by rejecting, or which is the same, amending it, you cannot propose for this year at least, to put a stop to the consumption of spirituous liquors, and next year you may do it, though you now pass this Bill, with as much ease as you can propose to do, should this Bill be rejected.

As the consumption of spirituous liquors, and even the excess in that consumption, is not now any way limited by the restraint upon the retail, but depends wholly upon the inclinations of the people, this Bill may do service by giving a turn to their inclinations. 'Stolen waters are sweet,' is an observation made by one of the wisest men that ever lived: This may at present heighten the desires of the people for strong waters, because they think they get them by stealth; whereas their desires may become less ardent, when they can no longer suppose such waters to be stolen. So that in every light I view this Bill, I think it must do good, and can do no harm; therefore I have no occasion to examine, whether the duties proposed by it will raise the price so high as to put a debauch out of the reach of the poor. If they do not, you may next year raise them higher; but when you come upon that subject, I hope your lordships will have some regard for the British distillery, which for many years has been so much encouraged by parliament, and in which so many people have by that encouragement been induced to invest their fortunes and educate their children. It is now, my lords, a manufacture which supports great numbers of our people: it is a manufacture of great use in our commerce: no ship can go to sea without it; and besides the vast saving it occasions in the use of foreign spirits, we now export great quantities both to the North and to Africa. We know what vast quantities of French brandies are run in upon us, occasioned by the high duties: If you lay very high duties upon our own home-made spirits, it will produce the same effect. Dutch gin will then be run in upon you as plentifully as French brandy is now; whereby your own distillery will be quite ruined, and many families reduced to starving. But this I mention only for your consideration against next year; for, I hope, the Bill now before us will pass without amendment, and therefore, I hope the present motion will be disagreed to.

Lord *Talbot*:

My lords; if drinking spirituous liquors to excess be an evil, which, I think, has been upon all sides acknowledged, then the temptation to that excess must be an evil, and consequently whatever tends to increase that temptation, must do harm. Now that this Bill will tend to increase the temptation is, I think, without doubt. I shall grant, that spirituous liquors are now sold at most public houses, and sold in an open manner to their customers, and to those that come along with known customers; but they are not, even at these houses, sold openly, or at all, to mere strangers, especially if they be such as have any signs of poverty or distress about them; therefore if a poor person has now any longing for a dram, he must go to some house where he is known, which may be at a great distance; whereas if this Bill should pass, he may have it at the next ale-house wherever he happens to be, and consequently will be less able to resist the temptation he is laid under by his own appetite; nay, after he has complied with his appetite at one ale-house, the very next ale-house he sees will revive it, and every ale-house he passes by will give him a new craving, till he is flustered, and then he drinks on till he is quite drunk.

But this is not the only way the Bill now before us will increase the temptation. Though most alehouses now sell drams to their customers, they do not sell them in their public rooms, nor have they pompous descriptions of the drams they have to sell either upon their sign posts, or upon the vessels or casks in their house: whereas if this Bill be passed into a law, we may expect to see a long catalogue of drams wrote in gold letters upon every sign-post; and those that enter will certainly

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find, in every public room, one or more companies drinking spirituous liquors, and in some part of it casks or vessels piled up a-top of one another, with a luscious description of its contents in capital letters upon every one: nay some of our alehouses, or ginshops, under the denomination of alehouses, will certainly have rooms open to the public streets as formerly, with these casks exposed to the view of every passenger, and the shop or public room always full of customers, every one of whom will be ready to invite any friend he sees passing by, and even to press him to come in and taste the delicious cup.

These, and many more allurements than I can think of, will certainly be made use of by those that are to be licensed to sell spirituous liquors: their numbers will make them necessitous, and their necessities will whet their invention. The temptation therefore will certainly be increased by this Bill; and if the price is not raised, the consumption must of course increase, unless Providence should give a turn to the inclinations of the people, and make them resolve to take care of themselves, since they find their law-givers are resolved to destroy them. In all countries I know, or have read of, it is reckoned the duty of the supreme magistrates to take care, that the people shall not be tempted to idleness, expence, or wickedness; but ever since we began to think of raising money for the public service, from the luxuries and vices of the people, the direct contrary maxim seems to prevail, and this, I think, is one of the most open and barefaced attempts of the kind that was ever brought into parliament.

But, says a noble lord, you must pass this Bill: you must pass it without delay, without information, without deliberation, otherwise the liberties of Europe may be undone. What, my lords, will you expose the people to certain destruction at home, in order to prevent a casual danger from abroad? As I know very little of our foreign affairs: as care has been taken ever since I had the honour to sit here, not to let this House know much of our foreign affairs; I cannot pretend to determine, what danger the liberties of Europe are now in; but I cannot believe the danger is so immediate as some amongst us would have us believe; for if this were the case, I am persuaded, many of our neighbours would be applying to us, and begging our assistance, as they did in 1701, instead of our running about and soliciting the Dutch, and almost every other court in Europe, to join with us in assisting the queen of Hungary.

The great indifference shewn by most of the other courts of Europe, especially the Dutch and the king of Prussia, whose dominions lie immediately exposed to the ambition of France, gives me some reason to believe, that the liberties of Europe are far from being in such imminent danger as has been represented in this debate; but suppose they were, neither his majesty's resolutions, negociations, nor preparations, can be in the least interrupted by the loss of this Bill. The supplies are most of them already resolved on; and if we have such plenty of resources, as a noble lord says we have, his majesty may depend upon it, that the parliament will find ways and means to provide for the supplies they have granted. If monied men have been spoke to: if they have agreed to lend money at 3 per cent. upon this fund, the credit they have promised does not proceed from this fund, the produce of which cannot so much as be guessed at, but from the collateral security; and any other fund, with the same collateral security, will certainly procure the same credit; therefore, as his majesty, from what is already done, may know, that he will be supported by his parliament, he may, now, proceed in all his measures, as if the supplies were all provided for as well as granted; and, I hope, the exchequer is not so bare, or in such discredit, that it can furnish no money, till we give it something to carry to the pawnbrokers.

But, my lords, I would not have the projectors of this fund boast so much of their raising the money at 3 per cent. for if I am rightly informed, it is the Jews who have agreed to lend the money at this rate, on condition of their having a lottery for 800,000*l.* upon which they will make at least 10 per cent. profit; so that upon the whole money they are to advance, they will by this means make a great deal more than 3 per cent. Upon their side therefore, it may be said, they have made a wise bargain; but can the like be said of us, when in order to establish a fund we are to encourage drunkenness, and in order to raise money upon that fund we are to encourage gaming. Surely, when foreigners hear this account of our conduct, they will say, the nation must either be mad or reduced to its last shift, and this can be no great

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encouragement for a foreign court to join with us in any desperate undertaking.

For the sake therefore of our credit and reputation, we ought to reject this Bill; but, my lords, there is another reason, which with me is of all others the most prevailing. The passing of this Bill will put it out of our power to remedy the evil complained of, and so universally acknowledged. The noble lord who spoke last told us, we cannot remedy the evil this year by rejecting the Bill, and we may do it next year, notwithstanding the Bill's being passed into a law. My lords, I must differ from him in both these positions. If we amend this Bill as we ought, I believe, it will on that very account be dropt in the other House; but from thence the gentlemen of that House will see what we intend, and as they likewise are sensible of the evil complained of, they may, and probably will, immediately order in a Bill for remedying that evil, upon the same plan with this Bill, after we have amended it as it ought. And a Bill thus brought in, may certainly be passed into a law, before the end of this session. But if we pass this Bill as it stands at present, before next year our ministers will have got a taste of the great revenue produced by the encouragement or indulgence of gin-drinking, and after they have once tasted the sweet, I am afraid, they will think it too delicious a morsel to part with. Can we be sure of getting any sort of Bill passed into a law for putting a stop to this evil, when the whole power of the administration, supported by the interest of all the distillers and retailers in the kingdom, will certainly be against us?

Besides this, my lords, we shall, by passing this Bill, lay ourselves under another difficulty: as the duty upon licences is to be directly mortgaged, in common justice, we can then do nothing that may diminish or lessen the security, without the consent of the mortgagees; and if there is now any doubt of their being willing to accept of another fund for securing the money they have promised to lend upon this, is there not much more reason to doubt of their being willing, after they have been a year in possession of it? Therefore, if we pass this Bill, it may be impossible for us next year to do any thing for lessening the consumption of spirituous liquors, without being guilty of an act of violence to the creditors of the public; for they may very justly say, you shall not lay any higher duty upon the still-head, because it will diminish the consumption, and consequently the number of retailers, which must of course lessen the yearly produce of the sum mortgaged for our security.

I hope, I have now shewn, that this Bill, as it stands at present, must certainly do harm: that there is no necessity for our passing it without amendment; and that if we do, we shall render it very difficult, if not impossible, to put a stop to the excessive use of spirituous liquors, even though it should arise to a much greater height than it is at now. These, I hope, will be thought sufficient reasons for my being against the Bill in its present form; but as it may be amended so as to produce a very good effect, I shall, therefore, be for the question now under your consideration.

The Duke of *Newcastle*:

My lords; I am surprised to find this debate last so long, especially when I consider, that all the arguments against the Bill are founded upon a supposition, that it will increase the consumption, which, in my opinion, is impossible; for, if by increasing the price, the purchase of a large dose of spirituous liquors is put out of the power of a poor man, let his inclinations be never so strong, let the temptations be what they will, he cannot comply with them: he must content himself with what is necessary, perhaps he may sometimes launch out into a little luxury, but he will seldom or never be able to launch out into a vicious use of such liquors; for in them, as in all sorts of strong liquors, there is a necessary, a luxurious, and a vicious use. A small dram of spirituous liquors may sometimes be necessary, in a very cold day, or when a man is become faint with hard labour, and it would be cruel to raise the price of them so high as to put even this use out of the reach of the poor. When a man takes a larger dram than is necessary, or oftener than is necessary, but never so much at a time as to make himself drunk, it is a luxurious use, and luxury ought to be taxed in the poor as well as the rich. And when a man drinks so much of these liquors at a time as to make himself drunk, or so often as to impair his health, this is a vicious use which ought to be prohibited and punished, but it ought to be prohibited in such a manner as not to put it out of people's power to have the necessary use, or even a little of the luxurious use of such liquors upon some occa-

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sions, for it would be hard to make it impossible for poor men ever to rejoice or be merry.

Thus your lordships must see, that if by the additional duties, the price of these liquors be raised so high as to put the vicious use of them out of the reach of the poor, the temptations which it is said will be introduced by this Bill, can occasion no increase in the consumption, were they much more powerful than they can be supposed to be. For my part, I do not think, they will have any effect: the word gin, or any other name the vulgar please to give it, for, I am told, they have given it a great many, though wrote in capital letters upon a cask or sign post, will never invite any man to drink so much as one dram, unless he has a natural inclination; and if he has a natural inclination, and money in his pocket, he will now easily find where it is to be sold; he may now, I believe, find it out in any street or village, even where he is an utter stranger; for most of those little shops that now sell it despise informations, because they have nothing to lose, and are sensible, that no man will become an informer, when he is sure he can get nothing but contempt by his information.

As we find it impossible to prevent this private retail, there is no method for preventing people's complying with their inclinations, but by raising the price so as to put the frequent purchase, or the purchase of a large quantity, out of their reach; and this will, in some measure, be the effect of this Bill. A noble lord has already demonstrated, that it will raise all spirituous liquors, at least a penny in a pound, above what they are now sold for; but, in my opinion, he has stated the advanced price too low, and I shall beg leave to give your lordships my reasons for thinking so. I must join with him in supposing, that all spirituous liquors, especially that liquor called gin, are now sold as cheap, both by the distiller and retailer, as they can possibly afford to sell them; for though there be a mystery in the trade of distilling, and though it requires a very large stock to begin with, yet there are now, and have been for many years, such numbers of people in that way of business, that we must suppose, they all sell now as cheap as they can; because in every sort of manufacture, where there are such a number of masters, that they can enter into no sort of combination, every one undersells the other, in order to ingross the more of the trade to himself, till by this competition they are all forced to sell at as low a price as the manufacture can admit of. To this I shall add another general observation, that every dealer must sell at such a profit, as will not only afford him a reasonable interest for his money employed in that way, but also a reasonable insurance for the risk he runs, by some of his customers becoming insolvent.

These two observations being premised, my lords, I shall suppose, that a distiller has 6*d.* profit upon every gallon of those liquors he sells for 18*d.* per gallon, and that this is the least any distiller can afford to sell it for, allowing him a reasonable interest for the shilling it costs him, and a reasonable insurance for the risk he runs of losing that shilling by the insolvency of his customer; for considering the low people distillers deal with, this risk must certainly be very great. But after this Bill is passed, we must consider, that every gallon of the same sort of liquor will cost the distiller 18*d.* and that he now risks 18*d.* whereas he before risked but 1*s.*; therefore he must now sell at a profit higher than what he did before in proportion, that is to say, as he had before 6*d.* profit upon a shilling advance, he must now have 9*d.* profit, because he advances 18*d.* and consequently must now sell for 2*s.* 3*d.* what he before sold for 18*d.*

The case will be the same, my lords, with regard to the retailer, for his profit must likewise be increased in proportion to his advance. To illustrate this, I shall suppose, that he now sells for half a crown by retail, a gallon of those spirits for which he pays but 18*d.* to the distiller; for as his risk is greater, and as he must maintain his family by his retail trade, his profits must be larger than the distillers in proportion. Now after this Bill is passed, he must pay, as I have shewn, to the distiller 2*s.* 3*d.* for what cost him before but 18*d.* Do your lordships think, he will add to his retail price no more than the additional 9*d.* he pays to the distiller, and, consequently, sell at 3*s.* per gallon by retail? No, my lords, he will expect, and will take a profit in proportion to his advance, at the same rate as formerly, and, consequently, must have 45*d.* for what he before sold for half a crown. But this is not all: as he is now to pay 20*s.* yearly for a licence, he will expect a proportionable profit upon that too, and will, upon that account, make an addition to his retail price, to the amount, I believe, of at least 3*d.* a gallon; for as

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he will, I say, expect a proportionable profit upon what he pays for a licence, he must make at least 33*s.* 4*d.* a year by this additional advance in his retail price, and at 3*d.* a gallon must sell very near three pints a day, in order thereby to raise 33*s.* 4*d.* in a year; so that, according to this calculation, the spirits which are now sold by retail for 2*s.* 6*d.* a gallon, will, after this Bill is passed, be sold for 4*s.*

These calculations I make, my lords, from the known practice and course of trade; and from hence you may see the reason why, when you lay a tax upon any commodity, the dealers must lay a great deal more, so that the advanced price paid by the consumer, will always be more than double the tax you impose. But I shall not say, that the advanced price upon gin to be occasioned by this Bill, will rise quite so high as I have calculated. Both the distiller and retailer will use all the arts they can, to prevent the consumers from being sensible of the advance. The distiller will make his spirits weaker, I shall not say worse, because the weaker they are, I think, they will be the better; and both the distiller and retailer will advance their price by slow degrees, though they suffer in the mean time: nay, both will continue to sell at a little less profit, in proportion, than they do at this time; but they cannot continue long to sell at a great deal less, because they would be ruined if they did; therefore, their chief art, I believe, will be to lower the quality of the spirit, and, consequently, it will not be of such mischievous consequence, either to the health or the morals of the people.

However, my lords, notwithstanding all the arts they can use, notwithstanding their lowering the quality of the liquor, they must soon come to sell it dearer; because, if they should lower it too much, the consumers would become sensible of it, and might perhaps entirely give over the use of it. I therefore think it demonstrable, that this Bill must raise the price, which must necessarily diminish the vicious use of these liquors among the poor: whether this advance in the price will quite abolish this vice, at least among the poor, is what we are to try by this experiment: if it does not, we may next year add 6*d.* more; but we should not do it at once, because, as there is a necessary, as well as a vicious use of spirituous liquors, we should load the necessary use no farther than we find, by experience, to be absolutely requisite for preventing the vicious use of those liquors, among our poor labourers and manufacturers.

The Earl of *Sandwich*:

My lords; I cannot help observing, that every word said by the noble duke, when rightly understood, is in favour of the motion, and yet he designed it, I believe, against the motion, because he seems to be an advocate for the Bill. It has been asserted by several lords who have spoke against the Bill, that it will not raise the price of spirituous liquors to the consumer, and they have given strong reasons for what they assert: on the other hand, the noble duke asserts, that it will raise the price very considerably to the consumer, and has given us some very ingenious calculations to prove his assertion. Is not this contrariety of opinions, the strongest argument that can be made use of in favour of the motion? For, surely, the distillers and retailers are better judges of this fact than any of your lordships can be. Let us therefore agree to the motion, that we may have an opportunity to examine some distillers and retailers, or at least some of them who have already made estates and given over the trade. If I were a friend to this Bill, and were convinced of the truth of what the noble duke asserts, I am sure, I should be a hearty friend to this motion, because I should from thence expect, that all cavilling or opposition to my favourite Bill would be at an end; and therefore, if I were not very well convinced of the noble duke's candour, and of the candour of every lord who has made use of the same argument, I should suspect, from their opposition to this motion, that upon this topic they spoke against self-conviction.

I shall not repeat what has already been urged by other lords, for proving, that this Bill will not raise the price to consumers, but only lessen the profits of the distiller and retailer; but in answer to the noble duke's calculations, I must desire him to recollect what has been already said, that the liquor called gin is not a necessary, but a luxury of life; for when a dram of any spirituous liquor happens to be absolutely necessary, which, I believe, is seldom, if ever the case, even the poorest person may get one single dram of brandy or rum: if he should have no money to pay for it, nor credit for three half-pence, some good-natured person would let him have it out of charity; therefore, gin can in no case be said to be a necessary of

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life; and this the distillers and retailers both very well know. If it were a necessary of life: if it were a commodity which few or none could be without, his grace's calculations might hold pretty just; for in such things, the dealers are always ready to take advantage of any pretence for raising the price of the commodities they deal in; but with regard to the luxuries of life, especially those the poor only riot in, they must be cheap as well as agreeable, otherwise the poor must give over their rioting; and, therefore, if you lay a tax upon them, the dealers must either content themselves with a less profit, or give over the trade, and the former they will always chuse rather than the latter: they will never give over the trade, unless you lay such a tax as amounts very near to a prohibition.

Now I am up, my lords, I must take notice of one argument in favour of this Bill, which has not been, I think, fully answered. It has been said, that the present prohibition is of no manner of signification: that retailers reckon it of no value, because gin is now sold as cheap by retail, as it ever was before the prohibition. It may perhaps be now sold as cheap by retail as ever it was before; but this is no proof that retailers put no value upon the present prohibition, or upon the risk they are thereby exposed to. It is only a proof of what distillers and retailers of gin will do, rather than risk losing their trade, or discouraging the consumption, by raising the price. This is therefore a full confutation of all the calculations the noble duke was pleased to make, and, I think, an evident proof, that the price will not be raised to consumers by this Bill; for surely the risk of losing 100*l.* or even of going to the correction-house, for every dram a man sells, is worth more than 6*d.* a gallon, and 20*s.* a year for a licence; because, though there has been of late a sort of suspension of this penal law, yet no man could know when the execution of it would be resumed; and when he thought himself most secure, the commissioners might be, for what he knew, employing people to watch and inform against him. But the truth, I believe, is, when this prohibition first took place, the distillers all lowered their prices to the retailers, in order to encourage them to run the risk of retailing without raising the price. This I shall not assert, but it is a fact we ought to enquire into; because, if the distillers then lowered the price to retailers, above 6*d.* a gallon, all sorts of home-made spirits will be sold cheaper to the consumer after this Bill is passed, than ever they were before; which is a new argument for the present motion, and upon enquiry, may come out to be a most unanswerable argument against the Bill.

The noble duke was in the right, to pass over so cursorily the many temptations that will be introduced by this Bill; for the introduction of such temptations is a most pernicious thing in any society. It is true when a poor man has neither money nor credit, he cannot comply with the temptation, let it be never so strong; but no poor man can be reduced to this wretched state, without having been led away by many former temptations of the same kind; and such a small sum of money, or such a small fund of credit, will enable a man to comply with the first temptations, that, without reflecting, he is led into a habit which prevents his being able to resist any future temptation, as long as he has a half-penny, or credit for a half-penny in the world. Nay, when this habit prevents his getting any money in an honest way, it puts him upon thieving, house-breaking, or robbing, in order to get money for satisfying its continual cravings. How pernicious then must it be, to let loose 50,000 tempters, and consequently devils, upon the poor people of this nation; for every man who takes out a licence, unless he be a man of more probity than usual in this age, will endeavour to tempt his neighbours, and every man that comes into his house, to drink spirituous liquors to excess. At present, though we have many retailers of spirituous liquors, yet they are in a continual fear, which keeps them under a restraint: they dare not provoke men to an excess in such liquors, lest resentment, and the qualms they feel next day, should induce some of them to become informers; but give these retailers once a licence, they will then tempt by authority, and without fear: their invention will be always upon the rack, in order to draw customers to their house, and to lead those customers into excess; so that we shall for the future have always two armies in the field, and both maintained at the expence of the people: one to fight against the devil, and the other to fight under his banner: the former I shall always have a due reverence for, the latter I shall heartily abhor; but I do not think, you will do justice to the former, if you allow the latter to become too numerous;

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and therefore, if you pass this Bill, I hope you will add a clause, for restraining the number of gin-houses, lest, contrary to the old observation, you should have more chapels for the devil, than houses of prayer in the kingdom.

My regard therefore for our religion, as well as for the morals of the people, makes me oppose this Bill; and my regard for the sinking fund confirms me in that opposition. The sinking fund, my lords, was, from the beginning, a fund devoted to the payment of our public debts: it may be diminished for the ease of the people, for freeing them from such a ruinous plague as that of an excessive and wicked use of spirituous liquors, or for disburthening them of some of those taxes which now lie so heavy upon their trade, and, if not abolished, will, I am afraid, soon put an end to it; but that fund ought never to be encroached on or diminished, for the sake of providing for the current service, unless in cases of the most urgent necessity. The duties upon spirituous liquors are at present appropriated to the sinking fund, and it is justly intitled to them, for it paid very dear for them: it pays now no less than 70,000*l.* a year to the civil list as a consideration for those duties: and consequently, if the people are not eased of the plague, the sinking fund has a right to all that can be raised by it, while it is allowed to continue. But, say the advocates for this Bill, the duties are to be doubled, and the new duties only are to be applied to the current service; so that the sinking fund can be no loser. This is the same as if a projector should say to me, my lord, you make now but 20,000*l.* a year of your estate, but I will shew you how to make 40, provided you first make over to me one half of the whole produce. What would the world have reason to say of me, if I should give ear to such a project? Surely, such a projector could have no reason to blame me, if I rejected his project with contempt; and yet if he did, he would not be so unreasonable as the projectors of this Bill; for if they consider what they have said, or at least, what some of them have said, the sinking fund must be a loser, or their Bill must be quite ineffectual with regard to what they say it is intended for. If the consumption be diminished by this Bill, the sinking fund must be a loser: if the consumption be not thereby diminished, it must be allowed, that their Bill will be altogether ineffectual, with regard to the preventing, or in any degree remedying the evil, which they have all so explicitly acknowledged. Either one or the other they must confess, and this, I think must shew them, that even they themselves want a few days more to consider this Bill, that they may be a little more consistent in their reasoning upon it; therefore, I hope, they will agree to the present motion.

Lord *Bathurst*:

My lords; in this debate, as in most others, the arguments made use of upon one side, have been generally founded on wrong principles, or suppositions, that in fact had no being: of this kind of supposition, that the present retailers of spirituous liquors put a high value upon the risk they run, and would sell those liquors much cheaper if it were not for that risk. If this risk were to be valued according to the common rules of calculation, I shall grant, that its value would be very considerable, and much more, perhaps, than 6*d.* a gallon upon the liquors they clandestinely sell. But however burlesque it may appear, the opinion of Hudibras is in practice right, as to the value of any thing you please to name; and if the world in general puts a higher or a less value upon it than the common rules of calculation will admit of, he alone will find himself in the right, who reekons according to its practical, and not according to its speculative value. In this way of reckoning, the risk I am now speaking of, is really of little or no value: the penalties inflicted by law upon the clandestine retailers of spirituous liquors signify nothing, either because the retailers are such as by their circumstances despise all penalties, or because they know the law cannot be executed, nor the penalties enforced. According to this law the distiller never can run any risk, for if he takes care never to sell under two gallons at a time, he never transgresses the law, and the poorest retailer, even those who sell gin and gingerbread in baskets upon the highway, will always find money or credit for two gallons, which amounts to but three shillings. Thus the distiller never needs run any risk, and these low retailers have nothing to lose, which makes them despise your pecuniary penalties. But to such, it may be said, the correction-house will be a terror. Not at all, my lords: they are so accustomed to starving and hard labour, they despise it: and the stripes, we know, they may buy off for a trifle; besides it is looked

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on as a sort of persecution, and they, like other persecuted persons, are always well supported by the rest of the sect.

This, I believe, my lords, is the reason why such retailers undervalue the risk they run; and as to the better sort of retailers, who sell only punch, brandy, or rum, and do not in any remarkable manner encourage tippling or drunkenness in their houses, it would really be cruel, it would be impossible to put the law in execution against them. The populace would arise against you: the officers of justice would refuse or neglect to execute your orders: the army, notwithstanding the Mutiny Bill, would disobey your commands; for if the whole should grow mutinous, there would be none to enforce even the Mutiny Bill itself. Against such retailers, therefore, it would be impossible to execute the law: this they are fully apprised of, and this makes them undervalue the risk they run. Thus, my lords, I have endeavoured to account for the under value put upon this risk; but whether these be or be not the true reasons, it is certain that no value is now put upon it; or, at least, that 20*s.* a year is equal to the highest value now put upon it, I believe, by any retailer in the kingdom: nay, even this, I believe, no retailer would pay, if he did not know, that after this law passes, the risk of selling spirituous liquors, without a licence, will be much greater than ever it was before; because this law may be executed, whereas the law now to be repealed never could.

As to the temptations apprehended to be introduced by this Bill, they can, in my opinion, be of very little effect. The great and chief temptation is the cheapness, strength, and palatableness of the liquor; and if by this Bill you render it dearer, weaker, or less palatable, one of which will, I think, be the certain effect, you in some measure remove the chief temptation, and consequently will, in some measure, prevent the vice. I hope, it will not be said, that all houses of entertainment are chapels for the devil, because at such houses a man may eat or drink too much. According to this way of reasoning, I am afraid, many of your lordships' own houses would come under the same denomination, and you yourselves would not be quite free from the character of being devils. But to speak seriously, houses of entertainment are certainly convenient, and even absolutely necessary in all countries, unless you should resume the ancient custom, of carrying every traveller or stranger you meet to your own house. Some of those houses, I shall grant, admit too freely of tippling and drunkenness, and some even invent methods for provoking their customers to excess; but which is the best way to prevent this evil, that springs (as many other evils do) from a general good, to leave our houses of entertainment without any regulation or restraint, or to bring them under a regulation, and subject them to the eye of the civil magistrate, in such manner, that he may have a power to shut any of them up, when he finds they are made houses of debauchery, instead of being houses of entertainment? The last is certainly the best; and to say, that the civil magistrate will not do his duty, because the government gets by the excess he connives at, is an argument that goes a great deal too far, because the same argument will hold equally good, against our laying a duty upon any luxury whatever.

As to the argument drawn from the sinking fund, I cannot think there is any weight in it, consider it in what light you will. When the law now to be repealed was enacted, and the 70,000*l.* a year taken from the sinking fund, and given to the civil list, it was not designed, that the sinking fund should get any thing by the retail of spirituous liquor; for an absolute stop was designed to have been put to that retail; therefore, if by this Bill you diminish the present retail trade, as, I hope, you will, you take nothing from the sinking fund that was ever designed to have been given it. I shall grant, that the sinking fund has got a great deal by the clandestine trade, since carried on, and I believe and hope its present income will be diminished by this Bill; but as you take nothing from it to which it ever had a legal or equitable right, it cannot be properly said to suffer; for surely, no legal or equitable right could ever be acquired by an illegal and iniquitous practice. But suppose the sinking fund were really to suffer; suppose it had an equitable right to the duties now to be imposed, according to the noble lord's own way of reasoning, it would be no argument against the Bill, or against what is intended in consequence of the Bill; for he allows, that the sinking fund may be encroached on or diminished for the ease of the people. Why then may not a part of it be mortgaged for carrying on such a necessary war as that we are now engaged in, either as princi-



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pals against Spain, or as auxiliaries to the queen of Hungary against France and Spain? Is not this for the ease of the people? Must not both these wars be carried on at the expence of the people? and if the sinking fund is applied, or a part of it mortgaged, for defraying that expence, and thereby preventing the people's being loaded with any new taxes, is not this for the ease of the people?

My lords, in the time of such a dangerous and expensive war, we ought to employ all our thoughts about raising money by those methods, which may be the least burdensome to the people; and upon the subject of taxation, there are two things necessary at all times to be considered: that is, to chuse such taxes as may be complied with by the meanest subject made liable to them, and such as affect the greatest number of people; for if they cannot be complied with, they will produce nothing; and if they affect but a small number of people, they must either be burdensome to those that are obliged to pay them, or they will produce but a small sum. If these two considerations be strictly attended to, what it is that is to be taxed, can seldom be a question of any great consequence. Vespasian, one of the best of the Roman emperors, having succeeded to an empty exchequer, and a commonwealth in confusion, laid a tax upon what I am ashamed to name: a liquor, my lords, which I cannot say is a necessary of life, but in life it is necessary to be made; and yet we do not find, that he ever repented or was ashamed of that tax. But the liquor we are now to tax, cannot properly be said to be a necessary of life, nor is it necessary in life that it should be made; and yet the tax is such as affects great multitudes of people, and may be easily complied with by every one it affects. Besides, as some people are apt to make too luxurious and often a vicious use of it, the tax will in some measure prevent that excess; so that, upon every account, it is one of the most proper taxes we can chuse for supplying the present exigency.

Not only the tax, but the method now proposed for raising it, has often before been recommended, and it has always been said by the best judges, that this method of raising the tax was the only way by which a frequent excess in spirituous liquors could be prevented among the poor. How it came never before to be chosen, I do not know; but we have already tried two other methods, which have both been found ineffectual. The act made in 1729 was repealed; because it not only proved ineffectual for preventing the excessive use of spirituous liquors, but encouraged the consumption and clandestine importation of foreign spirits: and the act now to be repealed has been found to be so far from preventing, that it has increased the consumption, and encouraged the excessive use of such liquors; and that in the worst sort of way, in a clandestine private way, because of its being impossible to put the act in execution against such dealers. At the respective times of passing both these acts, a duty upon the still-head was proposed, as the most proper and most effectual method for putting a stop to this excess; and now, when by experience it has been found, that no other method will prevail, and that this is the only effectual method, we find it violently opposed. Can this opposition, my lords, proceed from a real design to put a stop to the evils complained of? I think, it cannot; and therefore, I shall shew so little regard to it, as to be against the present motion.

Lord *Hervey*:

My lords; it is impossible to come to the end of any debate, unless the contending parties first agree upon some principles or *postulata*; and when the principles or *postulata* depend upon controverted facts, those facts ought to be determined by the best proof that can be had, before any just conclusions can be drawn from them. If such a proof be desired of one side, and refused of the other, it will always give a suspicion, that those who refuse such a reasonable request are conscious, at least, of the uncertainty of the fact they assert. Is not this, my lords, the very case now before us? It is asserted upon one side, that retailers put little or no value upon the risk they now run in selling spirituous liquors contrary to law: it is denied on the other. It is asserted upon one side, that the duty now proposed will render our home-made spirits dearer, weaker, or less palatable: this likewise is denied on the other. Upon these two controverted facts all your reasoning upon this Bill does and must depend. Ought not then the truth of these facts to be determined by a proof, before you proceed farther in this affair? And is not this all we desire by the present motion? If your lordships agree to this motion, the event will shew, which side it is that founds their arguments upon

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wrong principles, or upon suppositions that in fact have no being: if you reject this motion, I am afraid, it will be thought, that you refused information lest that information should overthrow the facts you had asserted, and upon which you had founded all your arguments in favour of this Bill. This suspicion, my lords, will no way contribute to the character of this august assembly; and this suspicion will be very much increased if not confirmed, when it is found by experience, as I believe it will, that spirituous liquors of all kinds are made as good and sold as cheap, after the passing of this Bill, as ever they were before.

The noble lord who spoke last, endeavoured to establish the two facts I have mentioned by reason, and upon the other side some very good reasons have been given for shewing the contrary; but, I hope, I shall be excused, when I say, that the reasoning of a distiller or retailer in the way of his profession would be more satisfactory to me than all that can be said by any of your lordships upon the subject. This is my reason for being for the present motion, and I think our agreeing to it the more necessary, because it is evident, that if spirituous liquors be made as good, and sold as cheap, after this Bill is passed, as they were before, not only the consumption but the excess will be promoted, by the easy and free access which all people will, by this Bill, have to them, at all times and at all places; and by seeing them publicly exposed and drank in our public streets, and in every public house a person goes into, which will be the certain effect of this Bill's being passed into a law.

As this is the case, I am surprised to find any of your lordships against allowing a little time to enquire into the truth of facts, which are of such importance to the health, industry, and morals of the people, as well as to the tranquillity of the state. If you had not contested the facts: if you had allowed them to be as stated by those who are favourers of this motion, and had endeavoured to shew, that, nevertheless, the Bill was a good Bill, and could be attended with no bad effects, you might have had some reason from such arguments to oppose the motion, and to deny giving yourselves the trouble to enquire into facts which, whether true or false, could be of no significancy in the debate; but when all your arguments are founded upon facts, which are said to be otherwise by those who argue against the Bill, and when you allow their arguments to be good, if the facts be as they affirm, I should think, that complaisance to one another, as well as a regard to truth, would prevail with you to allow a little time for enquiring into the truth of the facts so contested.

The noble lord who spoke last, had certainly forgot the case, when he said, that the method of laying a duty upon the still-head was never chosen before: it was chosen in the year 1729; for by the act then passed, a duty of 5*s.* per gallon for all compound spirits was laid upon the still-head; but that law was evaded by the distillers making for retail a sort of uncompounded spirit, which the mob in derision called Parliament Brandy. This, and not the encouragement it gave to the clandestine importation of foreign spirits, was the occasion of that law's being repealed; and the law which is now proposed to be repealed, was agreed to, I believe, by an over complaisance to a very honest, but with all due respect to his memory, I may say, a very obstinate and a whimsical man, who would be satisfied with nothing less than a total prohibition of the retail of any sort of spirituous liquors whatsoever.

The method now proposed is not, therefore, such a one as was never chosen before, nor does any lord in this House oppose the method, but the manner in which it is now proposed to pursue that method. I shall not say, that we ought to impose such a high duty upon the still-head as was imposed by the act in 1729; but if one-half, or three fifths of that duty had now been proposed to have been laid upon the still-head, together with a duty of 20*s.* upon every licence, I am convinced, it would have met with no opposition within doors, and with very great approbation without; because it would have put the liquor out of the reach of the poor, at least so far, that they could not have proposed to get drunk with it at a cheaper rate than with common beer. But this can never be the effect of the small duty proposed by this Bill: at least I think so; and if I am wrong, I shall be glad to be set right by the distillers and retailers; for by them only I can be with any certainty informed.

Lord *Lonsdale:*

My lords; I beg pardon for troubling you a second time in this debate;

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but as some facts have, I am persuaded, by wrong information, been misrepresented; and as they may be of some weight in favour of a Bill, which I think a very pernicious one, I must beg leave to set you right as to those facts. It has been said, that the exportation of our home-made spirits is necessary for several branches of our commerce, and that no ship can go to sea without a provision of such spirits. As to our commerce, my lords, the African and the Baltic trade are the only branches that require any sortment of spirits; and the only spirits exported to either of those places, are either brandy or rum, or Dutch geneva; for as the Dutch geneva is sold at least 20 per cent. cheaper than any such spirit of our home manufacture, our merchants of course chuse to export it rather than our own; and for that and other reasons, some of our ships bound to Africa, after having taken in here what they think cheapest and most proper for their voyage, sail to Holland, and there take in the rest of their cargo.—Then as to our ships provisions, it is very certain, that none of them take in any quantity of home-made spirits; because, as seamen, and I believe, most other people in the kingdom, who have not besotted themselves with our gin, will chuse brandy or rum, rather than any sort of home made spirit, when they can have them equally cheap, all our sea captains provide themselves with brandy or rum, when bound upon any foreign voyage, because they are intitled to draw back the duties, and consequently, may have brandy or rum as cheap as they can have any sort of tolerable home-made spirit.—As to the danger of our giving encouragement to the clandestine importation of foreign spirits, I believe it is generally thought to be much greater than it really is; for I have been told, that our distillers do make a sort of spirit, which in colour and taste, so nearly resembles French brandy, that it cannot be distinguished by any but those who are well acquainted with the liquor, and have an exquisite palate; and that this English brandy is in great quantities carried down the river and privately set ashore, in order to make it pass for smuggled French brandy. These facts I thought it necessary your lordships should be informed of, and if you call the distillers, merchants, and sea captains before you, I believe they will confirm every thing I have said.

The Earl of *Chesterfield*:

My lords; as it is now so late, I shall be as short as possible in what I have to say upon the subject under your consideration; and, indeed if the argument had not run into the merits of the Bill, I should have given you no trouble; for as to the motion itself, as to its being necessary for us in an affair of any importance, to examine into the truth of facts which are contested, and upon which our determination must depend, it is so self-evident, that the more you explain it, the more you render it obscure, the more you endeavour to enforce it, the weaker it will appear. The pernicious consequences of an excessive use of spirituous liquors, and the experimental certainty we have of our poor's running too generally into that vice, if they are not restrained, have been acknowledged by every lord that has spoke in this debate; but say the advocates for this Bill, since we cannot put an entire stop to the vice, the government ought to avail themselves of it. What, will the government avail itself of the destruction of the people? The riches and power of the government depend upon the industry and the numbers of the people: if it destroys their industry, and lessens their numbers, it destroys itself; and can a government avail itself of its own destruction? That private vices are public benefits, is a doctrine which, I remember, was some years ago advanced in a pernicious atheistical book, called, "The Fable of the Bees;" but I little imagined, that I should ever see such a doctrine adopted by this House, and made the basis of some of our resolutions.

My lords, there are many other vices which you cannot put an entire stop to; would you have the government avail itself of them? You cannot put an entire stop to robbing upon the highway: would you therefore give licences for that practice, in order to raise money by a tax on such licences? You cannot put an entire stop to that fashionable vice called fornication: would you therefore follow the example of the court of Rome, by granting licences to common houses of reception? At that court I do not wonder at their raising money by a tax on such licences; because by their religion they are authorised to grant for money, not only indemnities for all past, but indulgences for all future vices; but I do not

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know that our religion either authorises or allows of any such thing.

This argument, therefore, of the government's availing themselves of the vice, cannot certainly be of any weight in favour of this Bill. Nay, those that make use of it, upon a little reflection, grow ashamed of it, and allow, that we ought to put a stop to the vice as far as lies in our power; but this, they say, cannot be done at once, it must be done by degrees. Upon the contrary, my lords, it must be done at once or not at all. While the liquor is within the reach of the vulgar, it is not done; and it must be either within, or above their reach: there is no medium: as soon as you have put the liquor above their reach, by a law that can be carried into execution, you have put a stop to the vice; and till you have done that, you have done nothing. I say, my lords, a law that can be carried into execution, for a law that cannot, signifies nothing; and for this reason, if the promoter of the Bill against gin which is now to be repealed, had not been known to be a very sober man, I should have suspected him to be an excessive gin-drinker; because when all the world were crying out for a law to put a stop to that abominable vice, he, in order to stifle that cry, contrived a law which evidently appeared to be inexecutable. And because that law is found to be ridiculous, therefore we are to make another law, equally ridiculous, for that purpose at least; for, I hope, I have shewn, that it is impossible to put a stop to this vice by degrees.

But as a noble lord took occasion to tell a story which he thought for his purpose, I will tell your lordships one which I think for mine. A very noted gentleman, whom many of your lordships may remember, I mean the famous Mr. Web, who was, I believe, the founder of our new sect of Water-drinkers, finding a friend of his dangerously ill of a complication of distempers, he told him, Sir, you must drink no more wine or strong liquors. Says the other, I have been long accustomed, sir, to such liquors, I must not leave them off at once, but will try to do it by degrees: What, sir, replies Mr. Web directly, if your foot were in the fire, would you pull it out by degrees? This, my lords, is really our case. The poor of this nation are in the fire, and now you talk of pulling them out by degrees. But what is still worse, it cannot be positively said, much less proved, that this Bill will, in any degree, put a stop to the vice. Even the advocates for the Bill only say, it is an experiment; and this experiment, it seems, we must try, because we must not try an experiment with the other House about amending a money Bill. Thus, it seems, we may try an experiment with the lives of the people; but we must try no experiment in any thing relating to the raising of money. How the poor will like this doctrine, I do not know; but this I will prophesy, that if you do not soon begin to shew a greater regard for the poor, and for the industry of the poor, than you have shewn of late years, you will very soon have no money to raise; for by your taxes and duties upon the necessaries of life and materials for manufacture, you have already made it almost impossible for a poor man to live comfortably by his industry, and now you are to furnish him with a poison by which he may speedily and merrily put an end to a life, which you had before by your duties and taxes made wretched. This may, indeed, increase the number of poor, for we shall all be poor; but, I am sure, it is not a way to increase the numbers of our people, and much less is it a way to increase their industry or riches, from whence only the public can raise any revenue.

A noble lord has told us, that if a tax does but bring in money, it is of no consequence to consider what it is that is to be taxed; but I must beg his lordship's pardon, for there are many things which never ought to be taxed, let the tax bring in what money it will. We ought never, for example, to tax any thing that nature or custom has made necessary for supporting the industrious poor: we ought never to tax any thing necessary for working up those manufactures in which we are rivalled by foreigners; and to this I shall add, that for our own credit's sake, we ought to avoid being mean and sordid in our method of taxation. The noble lord was pleased to mention a tax imposed by Vespasian upon another sort of liquor, as a justification of what is proposed by this Bill: that, indeed, was a liquor which could not be prohibited; but the noble lord must know, that the taxing of that liquor is mentioned by all historians, as the greatest blemish in that reign, not because the tax was grievous or oppressive, but because it was mean and sordid; and if we should once begin to descend, I do not know how low we may go; but if ever we should impose a tax upon that liquor,

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I hope our ministers will not think of levying it by way of excise.

For my own part, my lords, I think the tax now proposed much worse than this tax invented by Vespasian's Ways and Means-Men: it is not only mean and sordid, but it is vicious to the last degree, because it will encourage and promote that vice which propagates every other vice a human creature can be guilty of; therefore if you reject this motion, and proceed in the Committee, when you come to the preamble, I shall propose an Amendment, which I think a very necessary one, for the sake of truth as well as religion. In that part of the preamble, where it is said, "by and with the advice and consent of the Lords spiritual and temporal," I hope your lordships will leave out the word "spiritual," for it will bring a scandal upon the religion of the age to have it recorded in our law-books, that the reverend bench gave their consent to such a wicked Bill; and besides, it is false in fact; for some of them have appeared openly and avowedly against it, and I do not find, that any one of them will advise or consent to it.

The Earl of *Ilay:*

My lords; I rise up again to put your lordships in mind of order, and must insist upon it; for there will be no end of your debates, if you do not shew a little more regard to it. This whole debate has been contrary to one of the most ancient rules that have been established for the regularity of your proceedings, and for preventing any lord's taking up the time of the House with vain repetitions. The motion now before you is only for a delay, it has nothing to do with the merits, which were fully argued upon the second reading; and yet every lord that has spoke against the Bill, has entered into the merits, and repeated those objections which were fully answered when the Bill was read a second time. This has induced other lords to repeat the answers that were then made; and thus the debate, which could not otherwise have lasted any time, has been drawn out into a monstrous length.

I am surprised to hear lords insist so strenuously upon having time to prove facts which they say are contested, when there is in reality no fact contested. All that is contested relates to the consequences of this Bill, or to the effect it may produce upon the price of the liquor and upon the consumption; as to which your lordships may argue with as much perspicuity, and judge with as much certainty as any distiller whatever. How the Bill may affect the price, whether or no it will raise the price to the consumer, is the chief thing in dispute; and I am amazed there should be any dispute upon such a subject. That a duty, equal to one third of the prime cost, should not raise the price of the commodity, is to me a perfect paradox: if all the distillers in the kingdom should affirm it, I would not believe them. The thing is impossible, and to call witnesses to prove an impossibility, would, I am sure, be taking up your lordships' time to very little purpose.

Then, my lords, if this Bill will certainly raise the price, I think it is evident, that it will diminish the consumption, or at least the excessive use; for suppose there are some so poor, or who get so little by their labour, that at the present price they can spare to get drunk but once a week; suppose there are others that can spare to get drunk with this liquor twice a week, others thrice, and some every day; after the price is raised, as it will be, I believe, one third, at least, by this Bill, the first sort of people can spare to get drunk but twice in three weeks, the second sort but four times in three weeks, the third sort but twice a week, and the fourth but twice in three days. This then is some good you have done by your duty this year, and next year you may add such a new duty that the first sort of people I have mentioned, shall not be able to spare to get drunk above once in a month, and thus in proportion for all the rest; so that in three or four years you may, by heaping duty upon duty, raise the price to such a height, that it will cost a man more to get drunk with this liquor than to get drunk with common beer, which is, I believe, the farthest you can go towards putting a stop by duties to the excessive use of spirituous liquors. You may enforce your laws, or you may make new laws, against drunkenness; but, I hope, you will not lay such high duties upon home made spirits, as to render them dearer than foreign; for if any sort of spirit is to be drank, and that you cannot prevent, our home-made spirits ought to have a preference from the legislature of their country.

I hope your lordships will now comprehend what is meant by putting a stop by degrees to this vice. If you put it out of people's power to get drunk so often with

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these liquors as formerly, you put a stop to the vice; and this, you see, may be done by degrees, notwithstanding the ridiculous light it was put in by the noble lord that spoke last, who has so much wit and such a quick fancy, that he has it in his power to set almost any thing he pleases in a ridiculous light.

As to the Bill now to be repealed, I shall agree with his lordship in thinking, that it is inexecutable, and that I should have suspected the author of it, had I not known him to be a very sober man; for I remember to have heard, that there was once a motion in the other House, for leave to bring in a Bill, for inflicting a capital punishment upon any man that should be guilty of a crime too common at this time as well as at all former times; and that one of the most zealous advocates for the motion was a man who was strongly suspected of being in his heart no enemy to the crime, he was for having so severely punished. This surprised all that knew him, and one of them took the liberty to ask him, how he came to be so strenuous a friend to such Bill? Because, says he, if the law were once passed, every woman in England will trust me.

To conclude, my lords, I do not think we have the least occasion for any proof: they are not facts but consequences that are contested; and to bring witnesses here to prove consequences, would be taking up the time of this House to very little purpose. Therefore, if there were no danger in the delay, I should be against the motion; but as there is danger in the delay: as any sort of difficulty or delay thrown in the way of the supplies for the ensuing year, may be attended with the most fatal consequences to Europe in general, as well as to this nation in particular, I am surprized to hear it insisted on in such a strenuous manner, when there is so little occasion for it. This, my lords, is my way of thinking, and therefore, I cannot fail of being most heartily against this motion.

*Debate in the Lords on the Spirituous Liquors Bill.**] February 22. This Bill was read the second time. The question being put, whether it should be committed,

* From the Gentleman's Magazine for November, 1743: compiled by Dr. Johnson.

Lord *Hervey* rose and said:*

My lords; though I doubt not but the Bill now before us will be promoted in this House, by the same influence by which it has been conducted through the

* *From the Secker Manuscript.*

Feb. 21. Spirituous Liquors Bill.

To morrow being appointed for the second reading of the Bill concerning Spirituous Liquors, lord Hervey moved, that three physicians, Dr. Mead, Dr. Leigh, and Dr. Barker, might be summoned to give their opinion concerning the drinking these liquors. Lord Bathurst said this was needless, because every lord was satisfied it was pernicious in the highest degree, and if it was not proved that this Bill was the best way of restraining them, he would be against it. Lord Lonsdale said, that lord Bathurst could not answer for every lord, and that he wanted to know how extensive the mischief of these liquors were. The bishop of Oxford said, that though they were owned to be bad in general, some persons to his knowledge, and therefore perhaps some lords, thought them good for some sorts of persons, and would therefore be less against them: and the physicians could inform the House whether these opinions were right. Lord Chancellor said, it was a thing unheard of to ask advice of physicians about a Money Bill, because there was a liquor concerned in it: other money bills related to solid food: would you enquire about that also? Other lords said it was proper to have all lights that were requisite. The earl of Bath said it was a dangerous precedent: these physicians indeed might be had to morrow, but by this rule, if a lord was pleased to say there was a physician at York proper to be consulted, he must be sent for: that the lords for the Bill wished as well as any to the health of his majesty's subjects, and those against it to the public supplies: that indeed this was not a Money Bill. Several other lords spoke.

N. C. 33.

C. 17; of whom bishops of Glocester and Oxford, who were the only bishops present; lord Gower, lord Romney, &c. The duke of Leeds went away.

Feb. 22. The Bill was read a second time. Lord Lonsdale, who had moved the day before that the Commissioners of Excise might attend, asked several questions of Mr. Burton, who appeared and answered, that 9 George 2, which was sir J. Jekyl's Bill, had been executed so far as the Commissioners of Excise could execute it: about the justices of peace he could say nothing: that the commissioners appointed supernumerary officers to attend the houses complained of: that never more than three took licences, and only they were liable to pay the duty of 20*s.* a gallon: that the care of their officers had no effect: that the lower sort of peo-

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other; yet I hope its success will be very different, and that those arts by which its consequences, however formidable, have been hitherto concealed, or by which those whose business it was to have detected and exposed them, have been induced to turn their eyes aside, will not be practised here with the same efficacy, though they should happen to be attempted with the same confidence. I hope that zeal for the promotion of virtue, and that regard to public happiness, which has on

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ple in general sell these liquors: some few keep shops without licence: but they are principally sold in private, and by-places: that the same care hath been taken by the commissioners of excise from the first to the present time.

*Hervey.* This Bill neglects every thing the legislature ought to encourage, and permits every thing the legislature ought to forbid. I make a compliment to the framers of it, in thinking them ignorant of the bad effects of these liquors, which make men too weak for labour, too idle for application, too stupid for ingenuity. I shall speak against them from these three heads.

1. As they tend to destroy civil polity. [Then he read from Dr. Davenant what is in the beginning of Dr. Wilson's pamphlet, and the preamble of 9 George 2.] The Liquor made after this act was called Parliament Brandy: the diseases which will follow from the present Bill, if it passes, will be Parliamentary Calentures. [He read also the Representation of the Justices, which is in Dr. Wilson's pamphlet.]

2. As they are pernicious to health. [Then he read the Representation of the College of Physicians to the House of Commons in 1725, which see.]

3. To morals. [Then he read part of the bishop of Sarum's sermon to the Westminster Infirmary.]

Now this Bill neither prevents the selling these liquors cheap, nor puts any laws against them in execution. It is supposed that 50,000 houses will take out licences under it. If they do not, the revenue will suffer, but the mischief will be the same, for a few houses will do as much harm as many. There have been two inconsistent ways of speaking on this Bill. The first was: We cannot stop it: let us get money by it. This shocked people: then it was said, This will stop it. This Bill is only a cover for mortgaging the Sinking fund hereafter, and the mask is worse than the bare face would have been. Indeed this Bill affects the Sinking fund: for it repeals duties which by 9 George 2, are thrown to the Aggregate fund.

*Bathurst.* I agree with almost all the noble lord hath said: but disagree in the conclusions he draws from it. This Bill will diminish the consumption one-third. Can the gin drinkers raise next year 500,000*l.*? If they drink the same quantity they must. The duty last year was 170,000*l.* This is doubled by this Bill, and makes 340,000*l.* Every distiller must double the duty he pays. The retailer must make it higher still. The whole property of the gin-drinkers will not answer this. There may be an increase of about 54,000*l.* in the duty, and that will strike off one-third of the consumption, and it will answer the 1,800,000*l.* wanted for the public service.

Bishop of *Oxford.* The question of committing depends on two points, Whether these liquors are pernicious, and whether this Bill restrains them sufficiently.

It is allowed they are pernicious to the health, industry, and morals of the people; and what is prejudicial to morals extends its consequences to a world that shall never end. What, then, will be the operation of this Bill in relation to them?

1. It repeals the principal part of a law 9 Geo. 2, which had good effects, and might have had, and may still have better. That law shut up 1,500 great gin-shops with places behind them, for stowing drunken men and women promiscuously: there several thousands lay every night: there they taught each other, and concerted together all manner of wickedness. This public drunkenness was much worse than single and private. Now these will open again. They must indeed call themselves Taverns or Ale-houses; and what is easier than to call themselves so, and to be licenced as such? If they sell but a barrel of ale in a year, they will be ale-houses to the purpose of screening themselves, and gin shops to every bad purpose in the world.

The consumption hath been greater upon the whole, but perhaps less in London ever since this act. The distillers sent it where they could in the country. The disease was driven by it from the heart into the extremities: and had it been followed thither it might have been extirpated. But magistrates and officers left off acting. How that came to pass I know not. There were, to be sure, false informations and perjuries, but not many. But the mob were suffered to use all informers, true or false, as they pleased, and the government took no notice. Thus the law became, in a great degree, ineffectual. Still its heavy penalties deterred many. And the preamble to this Bill only says, that there were inconveniences and difficulties in the execution, as surely it was worth while to bear them for that end; and it was not executed, but doth not say it could not.

2. This Bill substitutes 4*d.* duty in the common sort of spirituous liquors instead of 20*s.*, and 20*s.* for a licence instead of 50*l.* This is a great fall, and doth not look like a discouraging thing. Yet I am fully persuaded the projectors of this Bill meant well. But it will be said, this former act was not executed: this will. Now as to the licences, in many cases, I fear it will not be executed. Great numbers sell, some but little, many privately: the licence is 20*s.*,



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all occasions distinguished this assembly, will operate now with uncommon energy, and prevent the approbation of a Bill, by which vice is to be made legal, by which the fences of subordination are to be thrown down, and all the order of society, and decency of regular establishments, be obliterated by universal licentiousness, and lost in the wild confusions of debauchery; of debauchery encouraged by law, and promoted for the support of measures expensive, ridiculous, and unnecessary.

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the penalty but 10*l.*: if they think it ten to one they shall escape, they will not take one; and the prejudice against informing and informers will operate then as it hath done hitherto. And if they will not take licences—I would speak with all respect, but I must observe—it will be more for the interest of the revenue to let them sell without licences, than not sell at all. Then when the justices made their Remonstrance, half the petty constables sold these liquors; probably do so still: they will connive at every thing, that they may be connived at. They therefore, in whatever Bill passes, should be excluded from selling.

Then as to the duty. The distillers can make their spirits so much higher than proof and than they do now, that though they seem to pay double duty, they will not pay near it. Besides they can sell for the sake of a larger vent for less gain than they do. And between both, the compounder, by being able to make more, and by buying in proportion cheaper, will sell near as cheap as before. There will indeed remain a penalty of 40*s.* a gallon on this increase, by that part of 9 Geo. 2, which this Bill doth not repeal: but that penalty hath been evaded hitherto, and will be still.

But if this act were executed, what will it do? The duty will amount to one farthing in half a pint: drunkenness will be 1-4th or 1-8th dearer: they will still have the boasted felicity of getting drunk for 1*d.* And is this Bill a sufficient remedy? And the question is not whether it be some, but whether sufficient. There are now 100,000 hogsheads of first proof made: these will yield, when lowered with water, and heated again with mischievous ingredients, 300,000. This is half a pint a day for 800,000 of his majesty's subjects. And if it be reduced 1-4th it will still be for 600,000. It is said, the duty may be raised hereafter. But why not raise it now? Gradual increase will only continue the hankering after it, and put them upon doing any thing desperate to get at it. The only way is to put it at once out of their reach, and out of their thoughts. Besides, as one melancholy part of the evil is the destruction of young children, a very small quantity will do this. Two were killed with each a spoonful, but last week. [Dr. Wilson.] And nothing can stop this mischief, but what will amount to a prohibition. But farther, a higher duty will raise less money: and when the sweet of a lower duty is felt, and in times of difficulty, to raise money, it will be hard to get an alteration, especially when the duty is mortgaged. These may, and I suppose will be, a clause of redemption. But the difficulty of getting another fund will increase every day.

So that here is a better remedy taken away, a worse substituted, and that perpetuated.

Still it must be owned the Bill subsisting is not the proper remedy. And what shall be done? That must be left to the wisdom of the administration. They are willing to do the best: and will certainly so do better than this. For to have one remedy proposed, and that not thoroughly tried, and then despair, and only think of a method, which is principally, though not wholly to raise money from the evil, this is yielding very tamely. One better way perhaps may be mentioned. The worthy person who framed 9 Geo. 2, designed at first a duty of 2*s.* a gallon upon the still-head; perhaps that would have done better than the Bill as it stands now. It would have needed no informers to execute it: and so have occasioned no perjury. And surely some such method might be taken now, that would put it beyond the reach of the lower people, and yet bring in a revenue to the public, and at the same time hinder the running of foreign brandies. I cannot ascertain the quantum of such a duty: but it might surely be several times the present.

It may be said, that possibly such a method will not raise money to the government: and this will. Now I think it much more sure, that this Bill will do harm, than that it will raise money: which seems to be suspected by engaging the Sinking fund for a collateral security. I think mortgaging that, or any way, better than one that will waste the strength of the kingdom as this will.

I shall only add, that no person who shall vote for this Bill, can less wish to distress this government than I do: that no person will be more glad to see it produce no bad effects, and ever so many good ones.

*Talbot.*

*Cholmondeley.* In attempting to execute 9 Geo. 2, you were almost threatened with a rebellion. The operation of the present Bill will be, that he who now gets drunk twice a day, will be drunk only four or five times a week. There are, indeed, 7,000,000 of gallons made of spirituous liquors in a year: but this is of all kinds for all uses, not for drinking only.

*Chesterfield.* Laying only such a duty on this liquor, is enacting it. Persons who sell under the present law, will be paid for the risk they run. It will hereafter be sold securely by every ale-house keeper: who buying it at the first hand, will have it so much cheaper than the present retailers, who buy it at the 3d or 4th, that this may more than answer the difference of one farthing in half a pint. The calculation of the noble lord, who makes this duty to amount just to 54,000*l.* a year wanted



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A law of so pernicious a tendency shall, at least, not pass through this House without opposition; nor shall drunkenness be established among us without the endeavour of one voice, at least, to withhold its progress; for I now declare that I oppose the commitment of this Bill, and that I am determined to continue my opposition to

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for the interest of 1,800,000*l.* is above political sagacity. We have various funds already, the Aggregate, the Sinking fund: this will be called the Drinking fund. I appeal to the reverend bench (which I am sorry to see so thin: I have seen it much fuller on some occasions) whether taxing vice be right. Tax luxury, but prohibit vice. Would you lay a tax upon the breach of the ten commandments? Half a pint of gin contains the transgression of them all; so you tax it at one farthing. This liquor hath abolished the old, good natured, lethargic English drunkenness. If, as a noble lord hath said, this tax will lessen 1-3d of the consumption of this liquor; double it, and it will lessen 2-3ds. But it may be raised hereafter. And why not now? How would such a preamble as this look, "Whereas for certain reasons us thereunto moving, we think it proper, that the people of England should be drunk for this year." This nepenthe, however agreeable to the people otherwise, when tendered to them from the hands it now comes from, will lose its virtue, and have a contrary effect. We are enervating our people, when we are in such a condition, that if the vulgar prejudice doth not prove true, that one Englishman can beat three Frenchmen, Lord have mercy upon us! At this rate we must always have mercenary troops: which I hope is no argument for the Bill: I am sure it hath no weight with me. The present Bill hath a juggling relation to the Sinking fund: and in a year or two must be repealed. It is a Money Bill: but not a Supply Bill: because the money is not appropriated.

*Carteret.* Not a word of what a noble lord [Cholmondeley] hath said for the Bill hath been answered: though the Bill hath been attacked with wit, and morals and piety called in to their aid. You cannot do what you will in a free country. And God forbid an armed force should be used to put laws in execution. Clauses proposed for exempting some things in 9 Geo. 2, were rejected: and if it could have been executed so as to suppress all these things, it would have done harm. The duties now laid are a restraint, not a licence.

*Lonsdale.* The Bill appears to be drawn by a distiller. [It was actually drawn by the direction of one Kent, a great distiller.] Therefore I shall lay before the House the increase of that trade from the end of Charles 2's reign, from ten years to ten years:

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|---|---|---|
| In 1684 - - - - | 527,000 | gallons. |
| 1694 - - - - | 948,000 | |
| 1704 - - - - | 1,375,000 | |
| 1714 - - - - | 2,000,000 | |
| 1724 - - - - | 3,520,000 | |
| 1734 - - - - | 4,947,000 | |
| 1742 - - - - | 7,160,000 | |

In the last 8 years much more hath been distilled than in 10 before. Sir J. Jekyll stirred up a spirit in the nation against these liquors, which was not to be resisted. But his method was impracticable. The present price of malt gin is about 18*d.* or 20*d.* I would propose laying 2*s.* 6*d.* a gallon new duty, which will make the duty near 3*s.* in all. Then it will sell for 4*s.* 6*d.*, which price will prevent foreign brandies. And thus it will be sold at 2½*d.* a quartern: which will remedy much of the evil, though perhaps it should still be higher. It is notorious, that the justices do not execute the laws, and will not execute this Bill. It is a Bill which will increase the mischief. Now persons must in a great measure drink alone: and nobody will drink so much that way. But this Bill opens 50,000 houses to sit to it in company. And so it will be spread over the nation. A man that is drunk with ale, cannot drink again in a week. But he that is drunk with gin, must drink again the next day. Now, all the innkeepers are against gin: but this Bill will make it their interest to be for it. It is from the country, that London is supplied with inhabitants, and by allowing this liquor, you will tear up your people by the roots.

*Newcastle.* I am inclined to wish the duty had been higher: but that may be done hereafter.

Bishop of *Sarum.* The distiller now gains at least 50 per cent., and so can afford to pay this duty, and sell as cheap as ever. There were good effects from 9 Geo. 2: Nobody could come hither before, without seeing people lying drunk in their way, and houses full of them drinking. There were indeed tumults: but it was this liquor made them tumultuous: and if you pass this Bill, I hope you will repeal the Riot Act at the same time.

*Bathurst.*

*Lonsdale.* Restrain the evil now: and reject this Bill, that you may be sure to do it now. The money wanted may be raised by the duty which I have proposed. For if the distilling of 6 millions of gallons be prevented by it, and only 1 million be distilled for wholesome and necessary uses, 2*s.* 6*d.* a gallon upon that will much more than do. However, still let the Sinking fund be a collateral security.

*Ilay.* I am for repealing 9 Geo. 2, because it hath taught the people, that they need not obey the legislature.

Question, Whether the Bill be committed.

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All the bishops present, who were, Canter-

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it in all the steps by which the forms of our House make it necessary that it should pass before it can become a law.

Nor do I speak, my lords, on this occasion, with that distrust and mental hesitation which are both natural and decent, when questions are dubious, when probability seems to be almost equally divided, when truth appears to hover between two parties, and by turns to favour every speaker; when specious arguments are urged on both sides, and the number of circumstances to be collected, and of relations to be adjusted, is so great, that an exact and indubitable decision is scarcely to be attained by human reason. I do not, my lords, now speak with the diffidence of enquiry, or the uncertainty of conjecture, nor imagine that I am now examining a political expedient of which the success can only be perfectly known by experience, and of which therefore no man can absolutely determine, whether it will be useful or pernicious, or a metaphysical difficulty which may be discussed for ever without being decided.

In considering this Bill, my lords, I proceed upon stated and invariable principles. I have no facts to examine but such as to the last degree are notorious, such as have been experienced every hour, since the existence of society; and shall appeal not to transitory opinions, or casual assertions, but to the laws of all civilized nations, and to the determinations of every man whose wisdom or virtue have given him a claim to regard.

All the decrees of all the legislators of the earth, or the declarations of wise men, all the observations which nature furnishes, and all the examples which history affords, concur in condemning this Bill before us as a Bill injurious to society, destructive of private virtue, and by consequence of public happiness, detrimental to the human species, and therefore such as ought to be rejected in that assembly to which the care of the nation is committed; that assembly which ought to meet only for the benefit of mankind, and of which the resolutions ought to have no other end than the suppression of those vices by which the happiness of life is obstructed or impaired.

The Bill now before you, my lords, is fundamentally wrong, as it is formed upon a hateful project of increasing the consumption of spirituous liquors, and consequently of promoting drunkenness among a people reproached already for it throughout the whole world. It contains such a concatenation of enormities, teems with so vast a number of mischiefs, and therefore produces, in those minds that attend to its nature, and pursue its consequences, such endless variety of arguments against it, that the memory is perplexed, the imagination crowded, and utterance overburthened. Before any one of its pernicious effects is fully dilated a thousand other appear, the hydra still shoots out new heads, and every head vomits out new poison to infect society, and lay the nation desolate.

I am therefore at a loss, my lords, not how to raise arguments against this Bill, which cannot be read or mentioned without furnishing them by thousands; but how to methodise those that occur to me, and under what heads to range my thoughts, that I may pursue my design without confusion, that I may understand myself and be understood by your lordships.

A multitude of considerations are obvious, all of importance sufficient to claim attention, and to outweigh the advantages proposed by this hateful Bill, but which cannot all be mentioned, or at least not with that exactness which they deserve: I shall therefore confine myself at present to three considerations, and shall entreat the attention of your lordships, while I examine the Bill now before us, with regard to its influence on the health and morals of the people, the arguments by which it has been hitherto supported, and the effects which it will have on the sinking fund.

The first head, my lords, is so copious, that I find myself very little relieved by the division which I have made. The moral arguments, though separated from those which are either political or temporary, are sufficient to overpower the strongest reason, and overflow the most extensive comprehension.

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bury, Rochester, Sarum, Exeter, Hereford, Glocester, Oxford, St. Asaph, Norwich, Chichester, voted against the commitment: and gave the votes of those against it, whose proxies they were. The bishop of London withdrew his proxy from the bishop of Exeter a day or two before, lest the bishop of Exeter might happen to vote for the Bill; and restored it to him, when he found he had voted against the commitment, that it might be made use of against the Bill afterwards. St. Davids did not stay till the end of the debate. The duke of Leeds was not there. The Duke, lord Coventry and lord Carlisle, voted for the commitment. Lords Pembroke, Lymington, Romney, against it.

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It is not necessary, I suppose, to show that health of body is a blessing, that the duties of life in which the greatest part of the world is employed, require vigour and activity, and that to want strength of limbs and to want the necessary supports of nature, are to the lower classes of mankind the same. I need not observe to your lordships, whose legislative character obliges you to consider the general concatenation of society, that all the advantages which high stations or large possessions can confer, are derived from the labours of the poor; that to the plough and the anvil, the loom and the quarry, pride is indebted for its magnificence, luxury for its dainties, and delicacy for its ease. A very little consideration will be sufficient to show, that the lowest orders of mankind supply commerce with manufacturers, navigation with mariners, and war, with soldiers; that they constitute the strength and riches of every nation; and that, though they generally move only by superior direction, they are the immediate support of the community; and that without their concurrence, policy would project in vain, wisdom would end in idle speculation, and the determinations of this assembly would be empty sounds.

It is therefore, my lords, of the utmost importance, that all practices should be suppressed by which the lower orders of the people are enfeebled and enervated; for if they should be no longer able to bear fatigues, or hardships, if any epidemical weakness of body should be diffused among them, our power must be at an end, our mines would be an useless treasure, and would no longer afford us either the weapons of war, or the ornaments of domestic elegance; we should no longer give law to mankind by our naval power, nor send out armies to fight for the liberty of distant nations. We should no longer supply the markets of the continent with our commodities, or share in all the advantages which nature has bestowed upon distant countries; for all these, my lords, are the effects of indigent industry, and mechanic labour.

All these blessings or conveniences are procured by that strength of body, which nature has bestowed upon the natives of this country, who have hitherto been remarkably robust and hardy, able to support long fatigues, and to contend with the inclemency of rigorous climates, the violence of storms, and the turbulence of waves, and who have therefore extended their conquests with uncommon success, and been equally adapted to the toils of trade and of war, and have excelled those who endeavoured to rival them either in the praise of workmanship or of valour.

But, my lords, if the use of spirituous liquors be encouraged, their diligence, which can only be supported by health, will quickly languish; every day will diminish the numbers of the manufacturers, and by consequence augment the price of labour; those who continue to follow their employments, will be partly enervated by corruption, and partly made wanton by the plenty which the advancement of their wages will afford them, and partly by the knowledge that no degree of negligence will deprive them of that employment in which there will be none to succeed them. All our commodities, therefore, will be wrought with less care and at a higher price, and therefore will be rejected at foreign markets in favour of those which other nations will exhibit of more value, and yet at a lower rate.

No sooner, my lords, will this Bill make drunkenness unexpensive and commodious, no sooner will shops be opened in every corner of the streets, in every petty-village, and in every obscure cellar for the retail of these liquors, than the work-rooms will be forsaken, when the artificer has by the labour of a small part of the day procured what will be sufficient to intoxicate him for the remaining hours; for he will hold it ridiculous to waste any part of his life in superfluous diligence, and will readily assign to merriment and frolics that time which he now spends in useful occupations.

But such is the quality of these liquors that he will not long be able to divide his life between labour and debauchery, he will soon find himself disabled by his excesses from the prosecution of his work, and those shops which were before abandoned for the sake of pleasure, will soon be made desolate by sickness; those who were before idle, will become diseased, and either perish by untimely deaths, or languish in misery and want, an useless burthen to the public.

Nor, my lords, will the nation only suffer by the deduction of such numbers from useful employments, but by the addition of great multitudes to those who must be supported by the charity of the public. The manufacturer, who, by the use of spirituous liquors, weakens his limbs or destroys his health, at once takes from

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the community to which he belongs, a member by which the common stock was increased, and by leaving a helpless family behind him, increases the burthen which the common stock must necessarily support. And the trader or husbandman is obliged to pay more towards the maintenance of the poor, by the same accident which diminishes his trade or his harvest, which takes away part of the assistance which he received, and raises the price of the rest.

That these liquors, my lords, liquors of which the strength is heightened by distillation, have a natural tendency to inflame the blood, to consume the vital juices, destroy the force of the vessels, contract the nerves, and weaken the sinews, that they not only disorder the mind for a time, but by a frequent use precipitate old age, exasperate diseases, and multiply and increase all the infirmities to which the body of man is liable, is generally known to all whose regard to their own health, or study to preserve that of others, has at any time engaged them in such enquiries, and would have been more clearly explained to your lordships, had the learned physicians been suffered to have given their opinions on this subject, as was yesterday proposed.

Why that proposal was rejected, my lords, for what reason, in the discussion of so important a question, any kind of evidence was refused, posterity will find it difficult to explain, without imputing to your lordships such motives as, I hope, will never operate in this assembly. It will be, perhaps, thought that the danger was generally known, though not acknowledged; and that those who resolved to pass the Bill, had no other care than to obstruct such information as might prove to mankind, that they were incited by other designs than that of promoting the public good.

It is not, however, necessary that any very curious enquiries should be made for the discovery of that which, indeed, cannot be concealed, and which every man has an opportunity of remarking that passes through the streets.

So public, so enormous, and so pernicious has been this dreadful method of debauchery, that it has excited and baffled the diligence of the magistrates, who have endeavoured to stop its progress or hinder its effects. They found their efforts ineffectual, and their diligence not only not useful to the public, but dangerous to themselves. They quickly experienced, my lords, the folly of those laws which punish crimes instead of preventing them; they found that legal authority had little influence, when opposed to the madness of multitudes intoxicated with spirits, and that the voice of justice was but very little heard amidst the clamours of riot and drunkenness.

We live, my lords, in a nation, where the effects of strong liquors have been for a long time too well known; we know that they produce in almost every one a high opinion of his own merit; that they blow the latent sparks of pride into flame, and, therefore, destroy all voluntary submission; they put an end to subordination, and raise every man to an equality with his master, or his governor. They repress all that awe by which men are restrained within the limits of their proper spheres, and incite every man to press upon him that stands before him, that stands in the place of which that sudden elevation of heart, which drunkenness bestows, makes him think himself more worthy.

Pride, my lords, is the parent, and intrepidity the fosterer of resentment; for this reason, men are almost always inclined, in their debauches, to quarrels and to bloodshed; they think more highly of their own merit, and, therefore, more readily conclude themselves injured; they are wholly divested of fear, insensible of present danger, superior to all authority, and, therefore, thoughtless of future punishment; and what then can hinder them from expressing their resentment with the most offensive freedom, or pursuing their revenge with the most daring violence?

Thus, my lords, are forgotten disputes often revived, and after having been long reconciled, are at last terminated by blows; thus are lives destroyed upon the most trifling occasions, upon provocations often imaginary, upon chimerical points of honour, where he who gave the offence, perhaps without design, supports it only because he has given it; and he who resents it, pursues his resentment only because he will not acknowledge his mistake.

Thus are lives lost, my lords, at a time, when those who set them to hazard, are without consciousness of their value, without sense of the laws which they violate, and without regard to any motives but the immediate influence of rage and malice.

When we consider, my lords, these effects of drunkenness, it can be no subject

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of wonder, that the magistrate finds himself overborne by a multitude united against him, and united by general debauchery. Government, my lords, subsists upon reverence, and what reverence can be paid to the laws, by a crowd, of which every man is exalted by the enchantment of those intoxicating spirits, to the independence of a monarch, the wisdom of a legislator, and the intrepidity of a hero? When every man thinks those laws oppressive that oppose the execution of his present intentions, and considers every magistrate as his persecutor and enemy?

Laws, my lords, suppose reason; for who ever attempted to restrain beasts but by force? And, therefore, those that propose the promotion of public happiness, which can be produced only by an exact conformity to good laws, ought to endeavour to preserve what may properly be called the public reason; they ought to prevent a general deprivation of the faculties of those whose benefit is intended, and whose obedience is required; they ought to take care that the laws may be known, for how else can they be observed? and how can they be known, or at least, how can they be remembered in the heats of drunkenness?

That the laws are universally neglected and defied among the lower class of mankind, among those whose want of the lights of knowledge and instruction, makes positive and compulsory directions more necessary for the regulation of their conduct, is apparent from the Representation of the Magistrates, in which the general disorders of this great city, the open wickedness, the daring insolence, and unbounded licentiousness of the common people, is very justly described.

Their wickedness and insolence, my lords, is indeed such, that order is almost at an end, rank no longer confers respect, nor does dignity afford security. The same confidence produces insults and robberies, and that insensibility with which debauchery arms the mind equally against fear and pity, frequently aggravates the guilt of robbery with greater crimes; those who are so unhappy as to fall into the hands of thieves, heated by spirits into madmen, seldom escape without suffering greater cruelties than the loss of money.

That the use of these poisonous draughts quickly debilitates the limbs, and destroys the strength of the body; however this quality may impair our manufactures, weaken our armies, and diminish our commerce; however it may reduce our fleets to an empty show, and enable our enemies to triumph in the field, or our rivals to supplant us in the market, can scarcely, my lords, come under consideration, when we reflect how debauchery operates upon the morals.

It is happy, my lords, that those who are inclined to mischief, are disabled in a short time from executing their intentions, by the same causes which excite them; that they are obliged to stop in the career of their crimes, that they are preserved from the hand of the executioner by the liquor which exposes them to it, and that palsies either disable them from pursuing their villanies, or fevers put an end to their lives.

It is happy, my lords, that what is thus violent, cannot be lasting; that those lives which are employed in mischief, are generally short; and that since it is the quality of this malignant liquor to corrupt the mind, it likewise destroys the body.

But this effect, my lords, is not constant or regular; men sometimes continue for many years to supply the expences of drunkenness by rapine, and to exasperate the fury of rapine by drunkenness. And, therefore, though there could be any one so regardless of the happiness of mankind, as to look, without concern, upon them who hurry themselves to the grave with poison, he may yet be incited by his own interest to prevent the progress of this practice, a practice which tends to the subversion of all order, and the destruction of all happiness.

It is well known, my lords, that public happiness must be on a stated proportion to public virtue; that mutual trust is the cement of society, and that no man can be trusted but as he is reputed honest. To promote trust, my lords, is the apparent tendency of all laws. When the ties of morality are enforced by penal sanctions, men are more afraid to violate them, and therefore, are trusted with less danger; but when they no longer fear the law, they are to be restrained only by their consciences; and if neither law nor conscience has any influence upon their conduct, they are only a herd of wild beasts, let loose to prey upon each other, and every man will inflict or suffer pain, as he meets with one stronger or weaker than himself.

Thus, my lords, will all authority cease, property will become dangerous to him

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that possesses it, and confusion will overspread the whole community; nor can it be easily conceived, by the most extensive comprehension, how far the mischiefs may spread, or where the chain of destructive consequences will end.

If we consider our fleet or our army, my lords, it is apparent, that neither obedience nor fidelity can be expected from men upon whom all the ties of morality and all the sanctions of law have lost their influence; they will mutiny without fear, and desert without scruple, and, like wild beasts, will, upon the least provocation, turn upon those by whom they ought to be governed.

But drunkenness, my lords, not only corrupts men, by taking away the sense of those restraints by which they are generally kept in awe, and withheld from the perpetration of villanies, but by superadding the temptations of poverty, temptations not easily to be resisted, even by those whose eyes are open to the consequences of their actions, and which, therefore, will certainly prevail over those whose apprehensions are laid asleep, and who never extend their views beyond the gratification of the present moment.

Drunkenness, my lords, is the parent of idleness; for no man can apply himself to the business of his trade, either while he is drinking, or when he is drunk. Part of his time is spent in jollity, and part in imbecility; when he is amidst his companions he is too gay to think of the consequences of neglecting his employment; and when he has overburthened himself with liquor, he is too feeble and too stupid to follow it.

Poverty, my lords, is the offspring of idleness, as idleness of drunkenness; the drunkard's work is little and his expences are great; and, therefore, he must soon see his family distressed, and his substance reduced to nothing: and surely, my lords, it needs not much sagacity to discover what will be the consequence of poverty produced by vice.

It is not to be expected, my lords, that a man thus corrupted will be warned by the approach of misery, that he will recollect his understanding, and awaken his attention; that he will apply himself to his business with new diligence, endeavour to recover, by an increase of application, what he has lost by inattention, and make the remembrance of his former vices, and the difficulties and diseases which they brought upon him, an incitement to his industry, a confirmation of his resolution, and a support to his virtue.

That this is, indeed, possible, I do not intend to deny, but the bare possibility of an event so desirable, is the utmost that can be admitted; for it can scarcely be expected, that any man should be able to break through all the obstacles that will obstruct his return to honesty and wisdom; his companions will endeavour to continue the infatuating amusements which have so long deluded him; his appetite will assist their solicitations; the desire of present ease, by which all mankind are sometimes led aside from virtue, will operate with unusual strength; since, to retrieve his misconduct, he must not only deny himself the pleasure which he has so long indulged, but must bear the full view of his distress, from which he will naturally turn aside his eyes. The general difficulty of reformation will incline him to seek for ease by any other means, and to delay that amendment which he knows to be necessary, from hour to hour, and from day to day, till his resolutions are too much weakened to prove of any effect, and his habits confirmed beyond opposition.

At length, necessity, immediate necessity, presses upon him; his family is made clamorous by want, and his calls of nature and of luxury are equally importunate; he has now lost his credit in the world, and none will employ him, because none will trust him: or employment cannot immediately be, perhaps, obtained; because his place has for a long time been supplied by others. And, even if he could obtain a readmission to his former business, his wants are now too great and too pressing to be supplied by the slow methods of regular industry; he must repair his losses by more efficacious expedients, and must find some methods of acquisition, by which the importunity of his creditors may be satisfied.

Industry is now, by long habits of idleness, become almost impracticable; his attention having been long amused by pleasing objects, and dissipated by jollity and merriment, is not readily recalled to a task which is unpleasing, because it is enjoined, and his limbs enervated by hot and strong liquors, liquors of the most pernicious kind, cannot support the fatigues necessary in the practice of his trade; what was once wholesome exercise is now insupportable fatigue; and he has not now time to habituate himself by degrees to that application which he has intermitted, that labour

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which he has disused, or those arts which he has forgotten.

In this state, my lords, he easily persuades himself, that his condition is desperate, that no legal methods will relieve him; and that, therefore, he has nothing to hope but from the efforts of despair. These thoughts are quickly confirmed by his companions, whom the same misconduct has reduced to the same distress, and who have already tried the pleasures of being supported by the labour of others. They do not fail to explain to him the possibility of sudden affluence, and at worst to celebrate the satisfaction of short-lived merriment. He, therefore, engages with them in their nocturnal expeditions, an association of wickedness is formed, and that man, who, before he tasted this infatuating liquor, contributed every day, by honest labour, to the happiness or convenience of life, who supported his family in decent plenty, and was himself at ease, becomes at once miserable and wicked; is detested as a nuisance by the community, and hunted by the officers of justice; nor has mankind any thing now to wish or hope with regard to him, but that by his speedy destruction, the security of the roads may be restored, and the tranquillity of the night be set free from the alarms of robbery and murder.

These, my lords, are the consequences which necessarily ensue from the use of those pernicious, those infatuating spirits, which have justly alarmed every man whom pleasure or sloth has not wholly engrossed, and who has ever looked upon the various scenes of life with that attention which their importance demands.

Among these, my lords, the clergy have distinguished themselves by a zealous opposition to this growing evil, and have warned their hearers with the warmest concern against the misery and wickedness which must always be the attendants or the followers of drunkenness. One among them*, whose merit has raised him to a seat in this august assembly, and whose instructions are enforced by the sanctity of his life, in a very pathetical manner laments that so much art and skill have been used of late years to make drunkenness the cheapest of all vices. This remark is in his excellent discourse on the infirmary of this city, where he has observed with too much justness, that the lowest of the people are, therefore, universally infected with this vice, and that necessity itself is become luxurious.

Here his lordship read the Representation of the College of Physicians in the year 1736, and the following preamble to the act of the 9th of his present majesty, viz. 'Whereas the drinking of spirituous liquors or strong waters is become very common, especially among the people of lower and inferior rank, the constant and excessive use whereof tends greatly to the destruction of their healths, rendering them unfit for useful labour and business, debauching their morals, and inciting them to perpetrate all vices; and the ill consequences of the excessive use of such liquors are not confined to the present generation, but extend to future ages, and tend to the devastation and ruin of this kingdom: for remedy thereof may it please your most excellent majesty, &c.' Then his lordship went on to the following effect:

My lords; many other authorities might be produced, and some others I have now in my hand; but the recital of them would waste the day to no purpose: for surely it is not necessary to show by a long deduction of authorities the guilt of drunkenness, or to prove that it weakens the body, or that it depraves the mind, that it makes mankind too feeble for labour, too indolent for application, too stupid for ingenuity, and too daring for the peace of society.

This, surely, my lords, is therefore a vice, which ought with the utmost care to be discouraged by those whose birth or station has conferred upon them the province of watching over the public happiness; and which surely no prospect of present advantage, no arguments of political convenience, will prevail upon this House to promote.

That the natural and evident tendency of this Bill is the propagation of drunkenness, cannot be denied, when it is considered, that it will increase the temptations to it, by making that liquor, which is the favourite of the common people, more common, by multiplying the places at which it is sold, so that none can want an opportunity of yielding to any sudden impulse of his appetite, which will solicit him more powerfully and more incessantly as they are more frequently and more easily gratified.

In defence of a Bill like this, my

* Dr. Thomas Sherlock, bishop of Salisbury, in his Sermon for the benefit of the Westminster Infirmary.

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lords, it might be expected, that at least, many specious arguments should be offered. It may be justly hoped that no man will rise up in opposition to all laws of heaven and earth, to the wisdom of all legislators, and the experience of every human being, without having formed such a train of arguments as will not easily be disconcerted, or having formed at least such a chain of sophistry as cannot be broken but with difficulty.

And yet, my lords, when I consider what has been offered by all who have hitherto appeared either in public assemblies, or in private conversation, as advocates for this Bill, I can scarcely believe, that they perceive themselves any force in their own arguments; and am inclined to conclude, that they speak only to avoid the imputation of being able to say nothing in defence of their own scheme; that their hope is not to convince by their reasons, but to overpower by their numbers: that they are themselves influenced not by reason but by necessity, and that they only encourage luxury, because money is to be raised for the execution of their schemes; and they imagine, that the people will pay more cheerfully for liberty to indulge their appetites, than for any other enjoyment.

The arguments which have been offered, my lords, in vindication of this Bill, or at least which I have hitherto heard, are only two, and those two so unhappily associated, that they destroy each other: whatever shall be urged to enforce the second, must in the same proportion invalidate the first; and whoever shall assert, that the first is true, must admit that the second is false.

These positions, my lords, the unlucky positions which are laid down by the defenders of this pernicious Bill are, that it will supply the necessities of the government with a very large standing revenue, on the credit of which, strengthened by the additional security of the sinking fund, a sum will be advanced sufficient to support the expences of a foreign war; and that at the same time it will lessen the consumption of the liquors from whence this duty is to arise.

By what arts of political ratiocination these propositions are to be reconciled, I am not able to discover. It appears evident, my lords, that large revenues can only be raised by the sale of large quantities; and that larger quantities will in reality be sold, as the price is little or nothing raised, and the venders are greatly increased.

If this will not be the effect, my lords, and if this effect is not expected, why is this Bill proposed as sufficient to raise the immense sums which our present exigencies require? Can duties be paid without consumption of the commodity on which they are laid? and is there any other use of spirituous liquors than that of drinking them?

Surely, my lords, it is not expected, that any arguments should be admitted in this House without examination; and yet it might be justly imagined, that this assertion could only be offered in full confidence of an implicit reception, and this tenet be proposed only to those who had resigned their understandings to the dictates of the ministry; for it is implied in this position, that the plenty of a commodity diminishes the demand for it; and that the more freely it is sold, the less it will be bought. It implies, that men will lay voluntary restraints upon themselves, in proportion as they are indulged by their governors; and that all prohibitory laws tend to the promotion of the practices which they condemn: it implies, that a stop can only be put to fornication by increasing the number of prostitutes, and that theft is only to be restrained by leaving your doors open.

I am, for my part, convinced, that drunkards as well as thieves are made by opportunity; and that no man will deny himself what he desires, merely because it is allowed him by the laws of his country.

This, my lords, is so evident, that I shall no longer dwell upon the assertion, that the unbounded liberty of retailing spirits will make spirits less used in the nation; but shall examine the second argument, and consider how far it is possible or proper to raise supplies by a tax upon drunkenness.

That large sums will be raised by the Bill, to which the consent of your lordships is now required, I can readily admit, because the consumption of spirits will certainly be greater, and the licences taken for retailing them so numerous, that a much lower duty than is proposed will amount yearly to a very large sum; for if the felicity of drunkenness can be more cheaply obtained by buying spirits than ale, when both are to be found at the same place, it is easy to see which will be preferred; this argument, therefore, is irre-



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fragable, and may be urged in favour of the Bill without danger of confutation.

But, my lords, it is the business of governors not so much to drain the purses, as to regulate the morals of the people; not only to raise taxes, but to levy them in such a manner, as may be least burthensome, and to apply them to purposes which may be most useful; not to raise money by corrupting the nation, that it may be spent in enslaving it.

It has been mentioned by a very celebrated writer,* as a rational practice in the exercise of government, to tax such commodities as were abused to the increase of vice, that vice may be discouraged by being made more expensive; and therefore the community in time be set free from it; but the tax which is now proposed, my lords, is of a different kind; it is a tax laid upon vice, indeed, but it is to arise from the licences granted to wickedness, and its consequences must be the increase of debauchery, not the restraint. It is a tax which will be readily paid, because it will be little felt; and because it will be little felt, it is hoped, that multitudes will subject themselves to it.

The act which is now to be repealed, was indeed of a different nature, though perhaps not free from very just objections. It had this advantage, at least, that so far as it was put in execution, it obstructed drunkenness; nor has the examination of the officers of excise discovered any imperfection in the law; for it has only failed, because it was timorously or negligently executed.

Why it was not vigorously and diligently enforced, I have never yet been able to discover. If the magistrates were threatened by the populace, the necessity of such laws was more plainly proved; for what justifies the severity of coercion but the prevalence of the crime? and what may not be feared from crowds intoxicated with spirits, whose insolence and fury is already such, that they dare to threaten the government by which they are debarred from the use of them?

This, my lords, is a reflection that ought not to be passed slightly over. The nature of our constitution, happy as it is, must be acknowledged to produce this inconvenience, that it inclines the common people to turbulence and sedition; the nature of spirituous liquors is such, that they inflame these dispositions, already too much predominant; and yet the turbulence of the people is made a reason for licensing drunkenness, and allowing without limitation the sale of those spirits by which that turbulence must be certainly increased.

It may be perhaps urged (for indeed I know not what else can be decently alleged), that there is a necessity of raising money, that no other method can be invented, and that therefore this ought not to be opposed.

I know, my lords, that ministers generally consider, as the test of each man's loyalty, the readiness with which he concurs with them in their schemes for raising money; and that they think all opposition to these schemes which are calculated for the support of the government, the effect of a criminal disaffection; that they always think it a sufficient vindication of any law, that it will bring in very large sums; and that they think no measures pernicious, nor laws dangerous, by which the revenue is not impaired.

If government was instituted only to raise money, these ministerial schemes of policy would be without exception; nor could it be denied, that the present ministers show themselves by this expedient uncommon masters of their profession. But the end of government is only to promote virtue, of which happiness is the consequence; and therefore to support government by propagating vice, is to support it by means which destroy the end for which it was originally established, and for which its continuance is to be desired.

If money, therefore, cannot be raised but by this Bill, if the expences of the government cannot be defrayed but by corrupting the morals of the people, I shall without scruple declare, that money ought not to be raised, nor the designs of the government supported, because the people can suffer nothing from the failure of public measures, or even from the dissolution of the government itself, which will be equally to be dreaded or avoided with an universal depravity of morals, and a general decay of corporeal vigour. Even the insolence of a foreign conqueror can inflict nothing more severe than the diseases which debauchery produces; nor can any thing be feared from the disorders of anarchy more dangerous or more calamitous than the madness of sedition, or the miseries which must ensue to each individual from universal wickedness.

* Dr. Davenant in his Essay on Ways and Means.

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Such, my lords, is the expedient by which we are now about to raise the supplies for the present year; and such is the new method of taxation which the sagacity of our ministers has luckily discovered. A foreign war is to be supported by the destruction of our people at home, and the revenue of the government to be improved by the decay of our manufactures. We are to owe henceforward our power to epidemical diseases, our wealth to the declension of our commerce, and our security to riot and to tumult.

There is yet another consideration, my lords, which ought well to be regarded, before we suffer this Bill to pass. Many laws are merely experimental, and have been made, not because the legislature thought them indisputably proper, but because no better could at that time be struck out, and because the arguments in their favour appeared stronger than those against them, or because the questions to which they related were so dark and intricate, that nothing was to be determined with certainty, and no other method could therefore be followed, but that of making the first attempts at hazard, and correcting these errors, or supplying these defects which might hereafter be discovered by those lights which time should afford.

Though I am far from thinking, my lords, that the question relating to the effects of this law, is either doubtful or obscure; though I am certain that the means of reforming the vice which its advocates pretend it is designed to prevent, are obvious and easy; yet I should have hoped, that the projectors of such a scheme would have allowed at least the uncertainty of the salutary effects expected from it, and would therefore have made some provision for the repeal of it, when it should be found to fail.

But, my lords, our ministers appear to have thought it sufficient to endear them to their country, and immortalize their names, that they have invented a new method of raising money, and seem to have very little regard to any part of the art of government; they will at least in their own opinion have deserved applause, if they leave the public revenue greater, by whatever diminution of the public virtue.

They have therefore, my lords, wisely contrived a necessity of continuing this law, whatever may be its consequences, and how fatal soever its abuses; for they not only mortgage the duties upon spirits for the present supply, but substitute them in the place of another security given to the Bank by the Pot-act; and therefore, since it will not be easy to form another tax of equal produce, we can have very little hope that this will be remitted.

There will be indeed only one method of setting the nation free from the calamities which this law will bring upon it; and as I doubt not but that method will at last be followed, it will certainly deserve the attention of your lordships, as the third consideration to which, in our debates on this Bill, particular regard ought to be paid.

That the licence of drunkenness, and the unlimited consumption of spirituous liquors, will fill the whole kingdom with idleness, diseases, riots, and confusion, cannot be doubted; nor can it be questioned, but that in a very short time parliament will be crowded with petitions from all the trading bodies in the kingdom, for the regulation of the workmen and servants, for the extinction of turbulence and riot, and for the removal of irresistible temptations to idleness and fraud. These representations may be for a time neglected, but must soon or late be heard; the ministers will be obliged to repeal this law, for the same reason that induced them to propose it. Idleness and sickness will impair our manufactures, and the diminution of our trade will lessen the revenue.

They will then, my lords, find that their scheme, with whatever prospects of profit it may now flatter them, was formed with no extensive views; and that it was only the expedient of political avarice, which sacrificed a greater distant advantage to the immediate satisfaction of present gain. They will find, that they have corrupted the people without obtaining any advantage by their crime, and that they must have recourse to some new contrivance by which their own errors may be retrieved.

In this distress, my lords, they can only do what indeed they now seem to design; they can only repeal this act by charging the debt, which it has enabled them to contract, upon the sinking fund, upon that sacred deposit which was for a time supposed unalienable, and from which arose all the hopes that were sometimes formed by the nation, of being delivered from that load of imposts, which it cannot much longer support. They can only give security for this new debt, by disabling us for ever from paying the former.

The Bill now before us, my lords, will therefore be equally pernicious in its immediate and remoter consequences; it will

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first corrupt the people, and destroy our trade, and afterwards intercept that fund which is appropriated to the most useful and desirable of all political purposes, the gradual alleviation of the public debt.

I hope, my lords, that a Bill of this portentous kind, a Bill big with innumerable mischiefs, and without one beneficial tendency, will be rejected by this House, without the form of commitment; that it will not be the subject of a debate amongst us, whether we shall consent to poison the nation; and that instead of enquiring, whether the measures which are now pursued by the ministry ought to be supported at the expence of virtue, tranquillity, and trade, we should examine, whether they are not such as ought to be opposed for their own sake, even without the consideration of the immense sums which they apparently demand.

I am indeed of opinion, that the success of the present schemes will not be of any benefit to the nation, and believe likewise, that there is very little prospect of success. I am at least convinced, that no advantage can countervail the mischiefs of this detestable Bill; which therefore I shall steadily oppose, though I have already dwelt upon this subject perhaps too long; yet as I speak only from an unprejudiced regard to the public, I hope if any new arguments shall be attempted, that I shall be allowed the liberty of making a reply.

Lord *Bathurst*:

My lords; I doubt not but the noble lord has delivered on this occasion his real sentiments, and that in his opinion the happiness of our country, the regard which ought always to be paid to the promotion of virtue, require that this Bill should be rejected. I am far from suspecting, that such an appearance of zeal can conceal any private views, or that such pathetic exclamations can proceed but from a mind really affected with honest anxiety.

This anxiety, my lords, I shall endeavour to dissipate before it has been communicated to others; for I think it no less the duty of every man who approves the public measures, to vindicate them from misrepresentation, than of him to whom they appear pernicious or dangerous, to warn his fellow-subjects of that danger.

I, my lords, am one of those who are convinced, that the Bill now before us, which has been censured as fundamentally wrong, is in reality fundamentally right; that the end which is proposed by it is just, and the means which are prescribed in it will accomplish the purpose for which they were contrived.

The end of this Bill, my lords, is to diminish the consumption of distilled spirits, to restrain the populace of these kingdoms from a liquor which, when used in excess, has a malignity to the last degree dangerous, which at once inebriates and poisons, impairs the force of the understanding, and destroys the vigour of the body; and to attain this, I think it absolutely right to lay a tax upon these liquors.

Of the vice of drunkenness, my lords, no man has a stronger abhorrence than myself; of the pernicious consequences of these liquors, which are now chiefly used by the common people, no man is more fully convinced, and therefore none can more zealously wish, that drunkenness may be suppressed, and distilled spirits withheld from the people.

The disorders mentioned by the noble lord, are undoubtedly the consequences of the present use of these liquors, but these are not its worst effects. The offenders against the law, may by the law be sometimes reclaimed, and at other times cut off; nor can these practices, however injurious to particular persons, in any great degree impair the general happiness. The worst effects, therefore, of the use of spirits, are that idleness and extravagance which it has introduced among the common people, by which our commerce must be obstructed, and our present riches and plenty every day diminished.

This pernicious practice, my lords, is disseminated farther than could be reasonably believed by those whose interest has not incited, or curiosity induced them to enquire into the practice of the different classes of men. It is well known, that the farmers have been hitherto distinguished by the virtues of frugality, temperance, and industry; that they laboured hard, and spent little; and were therefore justly considered as an innocent and useful part of the community, whose employment and parsimony preserved them in a great measure from the general infection of vice which spread its influence among the traders and men of estates.

But even this abstemious class of men, my lords, have of late relaxed their frugality, and suffered themselves to be tempted by this infatuating liquor; nor is any thing now more common than to find it in those houses in which ale, a few years

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ago, was the highest pitch of luxury to which they aspired, and to see those hours wasted in intoxicating entertainments, which were formerly dedicated wholly to the care of their farms, and the improvement of their fortunes.

Thus, my lords, it appears, that the corruption is become universal, and therefore that some remedy ought to be attempted; nor can I conceive any measures more consistent with justice, or more likely to produce the end intended by them, than those which are now offered to your consideration, by which the liquor will be made dearer, too dear to be lavishly drank by those who are in most danger of using it to excess; and the number of those who retail it will be diminished by the necessity of taking a licence, and of renewing them every year at the same expence.

The inefficacy, my lords, of violent methods, and the impossibility of a total deprivation of any enjoyment which the people have by custom made familiar and dear to them, sufficiently appears from the event of the law which is now to be repealed. It is well known, that by that law, the use of spirituous liquors was prohibited to the common people; that retailers were deterred from vending them by the utmost encouragement that could be given to informers; and that discoveries were incited by every art that could be practised, and offenders punished with the utmost rigour.

Yet what was the effect, my lords, of all this diligence and vigour? A general panic suppressed, for a few weeks, the practice of selling the prohibited liquors; but in a very short time, necessity forced some, who had nothing to lose, to return to their former trade; these were suffered sometimes to escape, because nothing was to be gained by informing against them, and others were encouraged by their example to imitate them, though with more secrecy and caution; of those, indeed, many were punished, but many more escaped, and such as were fined often found the profit greater than the loss.

The prospect of raising money by detecting their practices, incited many to turn information into a trade; and the facility with which the crime was to be proved, encouraged some to gratify their malice by perjury, and others their avarice; so that the multitude of informations became a public grievance, and the magistrates themselves complained that the law was not to be executed.

The perjuries of informers were now so flagrant and common, that the people thought all informations malicious; or at least, thinking themselves oppressed by the law, they looked upon every man that promoted its execution, as their enemy; and therefore now began to declare war against informers, many of whom they treated with great cruelty, and some they murdered in the streets.

By their obstinacy they at last wearied the magistrates, and by their violence they intimidated those who might be inclined to make discoveries; so that the law, however just might be the intention with which it was enacted, or however seasonable the methods prescribed by it, has been now for some years totally disused; nor has any one been punished for the violation of it, because no man has dared to offer informations. Even the vigilance of the magistrates has been obliged to connive at these offences, nor has any man been found willing to engage in a task, at once odious and endless, or to punish offences which every day multiplied, and of which the whole body of the common people, a body very formidable when united, was universally engaged.

The practice, therefore, of vending and of drinking distilled spirits, has prevailed for some time without opposition; nor can any man enter a tavern or an ale-house, in which they will be denied him, or walk along the streets without being incited to drink them at every corner; they have been sold for several years, with no less openness and security than any other commodity; and whoever walks in this great city, will find his way very frequently obstructed by those who are selling these pernicious liquors to the greedy populace, or by those who have drank them till they are unable to move.

But the strongest proof of the inefficacy of the late law, and consequently of the necessity of another, which may not be so easily eluded or so violently resisted, is given by the papers which lie upon the table. From these it appears that the quantity of spirits distilled, has increased from year to year to the present time; and, therefore, that drunkenness is become more prevalent, and the reasons for repressing it more urgent than ever before.

Let us therefore calmly consider, my lords, what can in this exigence be done: that the people should be allowed to poison themselves and their posterity without re-

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straint, is certainly not the intent of any good man; and therefore, we are now to consider how it may be prevented. That the people are infected with the vice of drunkenness, that they debauch themselves chiefly with spirituous liquors, and that those liquors are in a high degree pernicious, is confessed both by those who oppose the Bill, and those who defend it; but with this advantage on the part of those that defend it, that they only propose a probable method of reforming the abuses which they deplore. I know that the warm resentment which some lords have on former occasions expressed against the disorders which distilled liquors are supposed to produce, may naturally incline them to wish, that they were totally prohibited, and that this 'liquid fire,' as it has been termed, were to be extinguished for ever.

Whether such wishes are not more ardent than rational; whether their zeal against the abuse of things, indifferent in themselves, has not, as has often happened in other cases, hurried them into an indiscreet censure of the lawful use, I shall not now enquire; because it is superfluous to dispute about the propriety of measures, of which the possibility may be justly questioned.

This last act, my lords, was of this kind; the duties established by it were so high, that they wholly debarred the lower classes of the people from the liquor on which they were laid; and, therefore, it was found by a very short experience, that it was impossible to preserve it from violation; that there would be no end of punishing those who offended against it; and that severity produced rather compassion than terror. Those who have suffered the penalties were considered as persons under unjust persecution, whom every one was obliged by the ties of humanity to encourage, reward, and protect; and those who informed against them, or encouraged informations, were detested as the oppressors of the people. The law had, indeed, this effect, that it debarred, at least for a short time, all those from retailing spirits who lived in reputation; and, therefore, encouraged others to vend them in private places, where they were more likely to be drank to excess.

Having, therefore, made trial of violent and severe methods, and had an opportunity of obtaining a full conviction of their inefficacy, it is surely proper to profit by our experience, by that experience which shows us that the use of distilled liquors under its present discouragements, has every year increased; and, therefore, proves at once the unprofitableness of the law now in force, and the necessity of some other by which the same purposes may be more certainly promoted.

The reformation of a vice so prevalent, must be slow and gradual; for it is not to be hoped, that the whole bulk of the people will at once be divested of their habits; and therefore it will be rational to endeavour not wholly to debar them from any thing in which, however absurdly, they place their happiness, but to make the attainment of it more and more difficult, that they may insensibly remit their ardour, and cease from their pursuit.

This, my lords, is proposed in the present Bill, which by the duties which are to be laid upon distilled spirits will raise the price a third part, and as it is reasonable to expect, hinder a third part of the consumption; for it is observed, that those who drink them set no limits to their excesses, but indulge their appetites to the utmost of their power; if he, therefore, who used to spend three-pence a day in spirits, can now have no more than could formerly be bought for two-pence, he must necessarily content himself with only two-thirds of the quantity which he has hitherto drank; and therefore must by force, though perhaps not by inclination, be less intemperate.

It is not to be doubted, my lords, but that spirits will, by this additional duty, be made one third part dearer; for it has been hitherto observed, that retailers levy upon the buyer twice the duty that is paid to the government, as is every day apparent in other commodities; so that the yearly quantity of spirits which is usually distilled, will cost 500,000*l.* more than before, a tax which, I suppose, those who are charged with this kind of debauchery will not be supposed able to pay, and which yet must be paid by them, unless they will be content with a less quantity.

That spirits will now be sold in every public-house, of whatever denomination, has been, I believe, justly asserted; but the assertion has not been properly urged as an argument against the Bill. One of the circumstances which has contributed to the enormous abuse of these liquors, has been the practice of retailing them in obscure places by persons without character

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and without money; who therefore neither feared penalties nor infamy, and offended against law and decency with equal security. But when the cheapness of licences shall make it convenient for every man that pleases to retail spirits in a public manner, they will be generally drank in houses visited by public officers, observed by the neighbouring inhabitants, and frequented by persons of morals and civility, who will always endeavour to restrain all enormous excesses, and oblige the masters of the houses to pay some regard to the laws. Those whose appetites are too importunate to be restrained, may now gratify them without being tempted to enter into houses of infamy, or mingling with beggars, or thieves, or profligates; and therefore, though the use of spirits should continue the same, its consequences will be less fatal, since they may be had without the necessity of associating with wickedness.

But, my lords, it is not improbable, that by this Bill the number of retailers, at least in this city, where they are most pernicious, may be lessened. It is well known, that the reason for which they are sold in cellars, and in the streets, is the danger of retailing them in other places; and that if they were generally sold by those who could procure the best of each sort, these petty traders would be immediately undone; for it is reasonable to imagine, my lords, that they buy the cheapest liquors, and sell them at the dearest rate.

When, therefore, reputable houses shall be opened for the sale of these liquors, decency will restrain some, and prudence will hinder others, from endangering their health by purchasing those liquors which are offered in the street, and from hazarding their morals, or perhaps their lives, by drinking to excess in obscure places.

It is likewise to be remembered, my lords, that many of those who now poison their countrymen with petty shops of debauchery, are not able to purchase a licence, even at the cheap rate at which it is now proposed, and that therefore they will be restrained from their trade by a legal inability; for it is not, my lords, to be imagined, that they will be defended with equal zeal by the populace, when the liquors may be had without their assistance, nor will information be equally infamous, when it is not the act only of profligates who pursue the practice of it as a trade, but of the proper officers of every place, incited by the lawful venders of the same commodities, or of the venders themselves, who will now be numerous enough to protect each other, and whom their common interest will incite against clandestine dealers.

The price of licences, therefore, appears to me very happily adjusted; had it been greater there would not have been a sufficient number of lawful retailers to put a stop to clandestine sellers; and if it was lower, every petty dealer in this commodity might, by pretending to keep an alehouse, continue the practice of affording an harbour to thieves, and of propagating debauchery.

Thus, my lords, it appears to me, that the Bill will lessen the consumption of these destructive spirits, certainly in a great degree, by raising the price, and probably by transferring the trade of selling them into more reputable hands. What more can be done by human care or industry I do not conceive. To prohibit the use of them is impossible, to raise the price of them to the same height with that of foreign spirits, is indeed practicable, but surely at this time no eligible method; for so general is this kind of debauchery, that no degree of expence would entirely suppress it; and as foreign spirits, if they were to be sold at the same price, would always be preferred to our own, we should only send into other nations that money which now circulates among ourselves, and impoverish the people without reforming them.

The regulation provided by the Bill before us is, therefore, in my opinion, the most likely method for recovering the ancient industry and sobriety of the common people; and, my lords, I shall approve it, till experience has shown it to be defective. I shall approve it not with a view of obtaining or securing the favour of any of those who may be thought to interest themselves in its success, but because I find some new law for this purpose indispensibly necessary, and believe that no better can be contrived.

We are now, my lords, to contend with the passions of all the common people. We are endeavouring to reform a vice almost universal; a vice which, however destructive, is now no longer reproachful. We have tried the force of violent methods and found them unsuccessful; we are now therefore to treat the vulgar as children, with a kind of artful indulgence, and to take from them secretly and by degrees

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what cannot be wholly denied them, without exasperating them almost to rebellion.

This is the first attempt, and by this, if one third of the consumption be diminished, we may next year double the duty, and by a new augmentation of the price take away another third, and what will then be drank, will perhaps by the strictest moralists be allowed to be rather beneficial than hurtful.

By this gradual procedure, we shall give those, who have accustomed themselves to this liquor, time to reclaim their appetites, and those that live by distilling, opportunities of engaging in some other employment; we shall remove the distemper of the public without any painful remedies, and shall reform the people insensibly without exasperating or persecuting them.

The Bishop of *Oxford*:

My lords; as I am not yet convinced of the expedience of the Bill now before us, nor can discover any reason for believing, that the advantages will countervail the mischiefs which it will produce, I think it my duty to declare, that I shall oppose it as destructive to virtue, and contrary to the inviolable rules of religion.

It appears to me, my lords, that the liberty of selling liquors which are allowed to be equally injurious to health and virtue, will by this law become general and boundless; and I can discover no reason for doubting, that the purchasers will be multiplied by increasing the numbers of the venders; and the increase of the sale of distilled spirits, and the propagation of all kinds of wickedness, are the same; I must conclude that Bill to be destructive to the public by which the sale of spirits will be increased.

It has been urged that other more vigorous methods have been tried, and that they are now to be laid aside, because experience has shown them to be ineffectual, because the people unanimously asserted the privilege of debauchery, opposed the execution of justice, and pursued those with the utmost malice that offered informations.

I should think, my lords, that government approaching to its dissolution, that was reduced to submit its decrees to their judgment who are chiefly accused of the abuse of these liquors; for surely when the lowest, the most corrupt part of the people, have obtained such a degree of influence, as to dictate to the legislature those laws by which they expect to be governed, all subordination is at an end.

This, my lords, I hope I shall never see the state of my own country: I hope I shall never see the government without authority to enforce obedience to the laws, nor have I, indeed, seen any such weakness on this occasion: the opposition that was made, and the discontent that was excited, were no greater than might be reasonable expected, when the vice which was to be reformed was so enormously predominant, nor was the effect of the law less than any one who foresaw such opposition might reasonably have conceived.

In this city alone there were, before the commencement of that law, 1,500 large shops, in which no other trade was carried on than that of retailing these pernicious liquors; in which no temptation to debauchery was forgotten; and, what cannot be mentioned without horror, back rooms and secret places were contrived for receptacles of those who had drank till they had lost their reason and their limbs; there they were crowded together till they recovered strength sufficient to go away, or drink more.

These pestilential shops, these storehouses of mischief, will, upon the encouragement which this law will give them, be set open again; new invitations will be hung out to catch the eyes of passengers, who will again be enticed with promises of being made drunk for a penny, and that universal debauchery and astonishing licentiousness which gave occasion to the former act will return upon us.

It is to little purpose, my lords, that the licences for selling distilled spirits are to be granted only to those who profess to keep houses for the sale of other liquors, since nothing will be more easy than to elude this part of the law. Whoever is inclined to open a shop for the retail of spirits, may take a licence for selling ale; and the sale of one barrel of more innocent liquors in a year will entitle to dispense poison with impunity, and to contribute without controul to the corruption of mankind.

It is confessed, that since this law was made, these liquors have been sold only at corners of the streets, in petty shops, and in private cellars; and therefore it must be allowed, that if the consumption has increased, it has at least increased less than if the free and open sale had been permitted: for the necessity of secrecy is always a re-

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straint, and every restraint must in some degree obstruct any practice, since those that follow it under restraint would pursue it more vigorously, if that restraint were taken away; and those that are now totally hindered, would at least be more strongly tempted by greater liberty; and where the temptation is more powerful, more will probably be overcome by it.

But, my lords, however the law may in this crowded city have been eluded and defied, however drunkenness may here have been protected by the insolence which it produces, and crimes have been sheltered by the multitudes of offenders, I am informed, that in parts less populous, the efficacy of the late act never was denied; and that it has in many parts rescued the people from the miseries of debauchery, and only failed in others by the negligence of those to whom the execution of it was committed.

Negligently and faintly as it was executed, it did in effect hinder many from pursuing this destructive kind of trade; and even in the metropolis itself, almost a total stop was for a time put to the use of spirits; and had the magistrates performed their duty with steadiness and resolution, it is probable, that no plea would have arisen in favour of this Bill from the inefficacy of the last.

I cannot indeed deny, that the multitude of false informers furnished the magistrates with a very specious pretence for relaxing their vigilance; but it was only, my lords, a specious pretence, not a warrantable reason; for the same diligence should have been used to punish false informers as clandestine retailers; the traders in poison and in perjury should have been both pursued with incessant vigour, the sword of justice should have been drawn against them, nor should it have been laid aside, till either species of wickedness had been exterminated.

In the execution of this, as of other penal laws, my lords, it will be always possible for the judge to be misled by false testimonies; and therefore the argument which false informations furnish may be used against every other law, where information is encouraged. Yet, my lords, it has been long the practice of this nation to incite criminals to detect each other; and when any enormous crime is committed, to proclaim at once pardon and rewards to him that shall discover his accomplices. This, my lords, is an apparent temptation to perjury; and yet no inconveniences have arisen from it, that can reasonably induce us to lay it aside.

Perjury may in the execution of this law be detected by the same means as on other occasions; and whenever it is detected, ought to be rigorously punished; and I doubt not but in a short time the 'difficulties' and 'inconveniences' which are asserted in the preamble of this Bill to have 'attended the putting the late act in execution,' would speedily have vanished; the number of delinquents would have been every day lessened, and the virtue and industry of the nation would have been restored.

It is not indeed asserted, that the execution of the late act was impossible, but that it was attended with difficulties; and when, my lords, was any design of great importance effected without difficulties? It is difficult, without doubt, to restrain a nation from vice, and, to reform a nation already corrupted, is still more difficult. But as both, however difficult, are necessary, it is the duty of government to endeavour them, till it shall appear that no endeavours can succeed.

For my part, my lords, I am not easily persuaded to believe that remissness will succeed, where assiduity has failed; and therefore if it be true, as is supposed in the preamble, that the former act was ineffectual by any defects in itself, I cannot conceive that this will operate with greater force. I cannot imagine that appetites will be weakened by lessening the danger of gratifying them, or that men who will break down the fences of the law to possess themselves of what long habits have, in their opinion, made necessary to them, will neglect it, merely because it is laid in their way.

With regard to this act, my lords, it is to be enquired, whether it is likely to be executed with more diligence than the former, and whether the same obstacles may not equally obstruct the execution of both.

The great 'difficulty' of the former method, a method certainly in itself reasonable and efficacious, arose from the necessity of receiving informations from the meanest and most profligate of the people, who were often tempted to lay hold of the opportunities which that law put into their hands, of relieving their wants, or gratifying their resentment; and very frequently intimidated the innocent by threats of accusations, which were not easily to be confuted. They were therefore equally dangerous to those that obeyed the act, and



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to those that disregarded it; for they sometimes put their threats in execution, and raised prosecutions against those who had committed no other crime than that of refusing to bribe them to silence.

An abuse so notorious, my lords, produced a general detestation of all informers, or at least concurred with other causes to produce it; and that detestation became so prevalent in the minds of the populace, that at last it became to the highest degree dangerous to attempt the conviction of those, who, in the most open and contemptuous manner, every day violated the laws of their country; and in time the retailers, trusting to the protection of the people, laid aside all cautions, at least in this great city, and prosecuted their former practice with the utmost security.

This, my lords, was the chief 'difficulty' and 'inconvenience' hitherto discovered in the law which is now to be repealed. Thus was its execution obstructed, and the provisions enacted by it made ineffectual. This defect therefore ought to be chiefly regarded in any new regulations. But what securities, my lords, are provided against the same evil in the Bill before us? Or why should we imagine that this law will be executed with less opposition than the last? The informers will undoubtedly be of the same class as before; they are still to be incited by a reward; and therefore it may be reasonably feared, that they will act upon the same motives, and be persecuted with the same fury.

To obviate this inconvenience appears to me very easy, by converting the duty upon licences, to a large duty upon the liquors to be paid by the distiller; the payment of which will be carefully exacted by proper officers, who, though their employment is not very reputable, pursue it at least without any personal danger; and who inform their superiors of any attempts to defraud the revenue, without being censured as officious or revengeful, and therefore are without any terrors to hinder them from their duty.

It has been asserted, indeed, that the price of a licence is now so small, that none who are inclined to deal in spirits, will neglect to secure themselves from punishment and vexation by procuring it: and that no man will subject himself to the malice of a profligate, by carrying on an illicit trade, which the annual expence of twenty shillings will make legal.

If this argument be just, my lords, and to the greatest part of this assembly, I believe, it will appear very plausible, how will this law lessen the consumption of distilled liquors? It is confessed that it will hinder nobody from selling them; and it has been found by experience, that nothing can restrain the people from buying them, but such laws as hinder them from being sold.

This plea, therefore, by removing an objection to a particular clause, will strengthen the great argument against the tenor of the Bill, that instead of lessening, it will increase the consumption of those liquors which are allowed to be destructive to the people, to enfeeble the body, and to vitiate the mind, and consequently to impair the strength and commerce of the nation, and to destroy the happiness and security of life.

That the cheapness of licences will induce multitudes to buy them, may be expected; but it cannot be hoped that every one will cease to sell spirits without a licence; for they are, as I am informed, offered every hour in the streets by those to whom twenty shillings make a very large sum, and who therefore will not, or cannot purchase a licence. These ought undoubtedly to be detected and punished; but there is no provision made for discovering them, but what has been found already to be ineffectual.

It appears, therefore, my lords, that this Bill will increase the number of lawful retailers, without diminishing that of private dealers; so that the opportunities of debauchery will be multiplied, in proportion to the numbers who shall take licences.

There is another fallacy by which the duties upon distilled liquors have been hitherto avoided, and which will still make this Bill equally useless as the former, for the ends which are to be promoted by it.

It is expected, my lords, by those who purchase spirits from the distillers, that they should be of a certain degree of strength which they call proof: if they are of a lower degree, their price is diminished: and if of a higher, it is raised proportionally; because if the spirits exceed the degree of strength required, they may be mixed with other liquors of little value, and still be sold to the drinker at the common price.

It is therefore the practice of the distillers to give their spirits thrice the degree of strength required, by which contrivance, though they pay only the duty

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of one pint, they sell their liquors at the price of three; because it may be increased to thrice the quantity distilled, and yet retain sufficient strength to promote the purposes of wickedness.

This practice, my lords, should be likewise obviated: for while one gallon, after having paid the present low duty which is laid upon it, may be multiplied to three, the additional price will, in the small quantities which are usually demanded, become imperceptible.

But to show yet farther the inefficacy of this Bill, let us suppose, what will not be found by experience, that a halfpenny is added to the price of every pint, it will yet be very practicable to revel in drunkenness for a penny, since a very small quantity of these hateful liquors is sufficient to intoxicate those who have not been habituated to the use of them; who, though their reformation is undoubtedly to be desired, do not so much demand the care of the legislature, as those who are yet untainted with this pernicious practice, and who may, perhaps, by the frequency of temptation, and the prevalence of example, be induced in time to taste these execrable liquors, and perish in their first essays of debauchery, for such is the quality of these spirits, that they are sometimes fatal to those who indiscreetly venture upon them without caution, and whose stomachs have not been prepared for large draughts, by proper gradations of intemperance: a single spoonful has been found sufficient to hurry two children to the grave.

It is, therefore, my opinion, that those whose stations and employments make it their duty to superintend the conduct of their fellow-subjects, ought to contrive some other law on this occasion; ought to endeavour to rescue the common people from the infatuation which is become general amongst them, and to withhold from them the means of wickedness. That instead of complying with their prejudices, and flattering their appetites, they should exert that authority with which they are entrusted in a steady and resolute opposition to predominant vices; and without having recourse to gentle arts, and temporizing expedients, snatch out of their hands at once those instruments which are only of use for criminal purposes, and take from their mouths that draught with which, however delicious it may seem, they poison at once themselves and their posterity.

The only argument which can be offered in defence of this Bill, is the necessity of supporting the expences of the war, and the difficulty of raising money by any other method. The necessity of the war, my lords, I am not about to call in question, nor is it very consistent with my character to examine the method in which it has been carried on; but this I can boldly assert, that however just, however necessary, however prudently prosecuted, and however successfully concluded, it can produce no advantages equivalent to the national sobriety and industry, and am certain that no public advantage ought to be purchased at the expence of public virtue.

But, my lords, I hope we are not yet reduced to the unhappy choice either of corrupting our people, or submitting to our enemies; nor do I doubt but that supplies may be obtained by methods less pernicious to the public, and that funds sufficient for the present occasion may be established without a legal establishment of drunkenness.

I hope, my lords, we shall not suffer our endeavours to be baffled by the obstinacy of drunkards; and that we shall not desist from endeavouring the recovery of the nation from this hateful vice, because our first attempt has failed, since it failed only by the negligence or the cowardice of those whose duty required them to promote the execution of a just law.

Against the Bill now before us I have thought it my duty to declare, as it appears to me opposite to every principle of virtue, and every just purpose of government; and therefore, though I have engrossed so much of your time in speaking on a subject with which it cannot reasonably be expected that I should be well acquainted, I hope I shall easily be pardoned by your lordships, since I have no private views either of interest or resentment to promote, and have spoken only what my conscience dictates, and my duty requires.

Lord *Talbot:*

My lords; I am ashamed that there should be any necessity of opposing in this House a Bill like that which is now before us; a Bill crowded with absurdities, which no strength of eloquence can exaggerate, nor any force of reason make more evident.

This Bill, my lords, is however the first proof that our new ministers have given of their capacity for the task which they have undertaken; this is a specimen of their

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sagacity, and is designed by them as an instance of the gentle methods by which the expences of the government are hereafter to be levied upon the people. The nation shall no longer see its manufactures subjected to imposts, nor the fruits of industry taken from the laborious artificer; but drunkenness shall hereafter supply what has hitherto been paid by diligence and traffic; the restraints of vice shall be taken away, the barriers of virtue and religion broken, and an universal licentiousness shall overspread the land, that the schemes of the ministry may be executed.

What are the projects, my lords, that are to be pursued by such means, it is not my present purpose to enquire; it is not necessary to add any aggravations to the present charge, or to examine what has been the former conduct, or what will be the future actions of men who lie open by their present proposal to the most atrocious accusations; who are publicly endeavouring the propagation of the most pernicious of all vices, who are laying poison in the way of their countrymen, poison by which not only the body, but the mind is contaminated; who are attempting to establish by a law a practice productive of all the miseries to which human nature is incident; a practice which will at once disperse diseases and sedition, and promote beggary and rebellion.

This, my lords, is the expedient by which the acuteness of our ministry proposes to raise the supplies of the present year, and by this they hope to convince the nation that they are qualified for the high trusts to which they are advanced; and that they owe their exaltation only to the superiority of their abilities, the extent of their knowledge, and the maturity of their experience: by this master-stroke of policy they hope to lay for their authority a firm and durable foundation, and to possess themselves, by this happy contrivance, at once of the confidence of the crown, and the affections of the people.

But, my lords, I am so little convinced of their abilities, that amidst all the exultation which this new scheme produces, I will venture to predict the decline of their influence, and to fix the period of their greatness; for I am persuaded, that notwithstanding the readiness with which they have hitherto sacrificed the interest of their country, notwithstanding the desperate precipitation with which they have blindly engaged in the most dangerous measures, they will not be able to continue a year in their present stations.

The Bill now under our consideration, my lords, will undoubtedly make all those their enemies whom it does not corrupt; for what can be expected from it, but universal disorder and boundless wickedness? wickedness made insolent by the protection of the law, and disorder promoted by all those whose wealth is increased by the increase of the revenues of the government.

Had it been urged, my lords, in defence of this Bill, that it was necessary to raise money, and that money could only be raised by increasing the consumption of distilled spirits, it would have been apparent that it was well calculated to promote the purposes intended; but surely, to assert that it will obstruct the use of these liquors, is to discover a degree either of ignorance, of effrontery, or of folly, by which few statesmen have been hitherto distinguished.

If we receive without examination the estimates which have been laid down, and allow the duty to rise as high as those by whom it is projected have ventured to assert, the price of these liquors can be raised but a halfpenny a pint; and there are few, even among the lowest of those who indulge themselves in this fatal luxury, whom the want of a single halfpenny can often debar from it.

And though these accurate calculators should insist that men may sometimes be compelled to sobriety by this addition to the expence of being drunk, yet how far will this restraint be found from being equivalent to the new temptation, which will be thrown into the way of thousands yet uncorrupted, by the multitude of new shops that will be opened for the distribution of poison, and the security which debauchery will obtain from the countenance of the legislature!

What will be the consequences of any encouragement given to a vice already almost irresistibly prevalent, I cannot determine; but surely nothing is too dismal to be expected from universal drunkenness, from a general depravity of all the most useful part of mankind, from an epidemical fury of debauchery, and an unbounded exemption from restraint.

How little any encouragement is wanting to promote the consumption of those execrable liquors, how much it concerns every man who has been informed of their quality, and who has seen their consequences, to oppose the use of them with his utmost influence, appears from the

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enormous quantity which the stills of this nation annually produce.

The number of gallons which appears from the accounts on the table to have been consumed last year, is seven millions; a quantity sufficient to destroy the health, interrupt the labour, and deprave the morals of a very great part of the nation; a quantity which, if it be suffered to continue undiminished, will, even without any legal encouragement of its use, in a short time destroy the happiness of the public; and by impairing the strength, and lessening the number, of manufacturers and labourers, introduce poverty and famine.

Instead therefore of promoting a practice so evidently detrimental to society, let us oppose it with the most vigorous efforts; let us begin our opposition by rejecting this Bill, and then consider, whether the execution of the former law shall be enforced, or whether another more efficacious can be formed.

The Earl of *Cholmondeley:*

My lords; though it is undoubtedly the right of every person in this House to utter his sentiments with freedom, yet surely decency ought to restrain us from virulent, and justice from undeserved reproaches; we ought not to censure any conduct with more severity than it deserves, nor condemn any man for practices of which he is innocent.

This rule, which will not, I suppose, be controverted, has not in my opinion been very carefully observed in this debate; for surely nothing is more unjust than to assert or insinuate, that the government has looked idly upon the advances of debauchery, or has suffered drunkenness to prevail without opposition.

Of the care with which this licentiousness has been opposed, no other proof can be required, than the laws which have in the present reign been made against it. Soon after the succession of his majesty, the use of compound spirits was prohibited; but this law being eluded by substituting liquors so drawn, as not to be included in the statutes, it was soon after repealed; and the people were for a time, indeed, suffered to drink distilled liquors without restraint, because a proper method of restraining them was not easily to be found.

How difficult it was to contrive means by which this vice might safely be prevented, appeared more plainly soon afterwards, when the outrageous licentiousness of the populace made it necessary to contrive some new law by which the use of that liquor might be prohibited, to which so much insolence, idleness and dissoluteness were imputed.

The law which it is now proposed to repeal, was then zealously promoted by those who were then most distinguished for their virtue and their prudence. Every man who had any regard for the happiness of the public, was alarmed at the inundation of licentiousness that overflowed this city, and began to spread itself to the remoter parts of the kingdom; and it was determined that nothing but a total prohibition of distilled liquors could preserve the peace, and restore the virtue of the nation.

A law was therefore made, which prohibited the retail of distilled spirits; and it was expected that the people would immediately return to the use of more innocent and healthful liquors, and that the new art of sudden intoxication would be wholly suppressed; but with how little knowledge of the dispositions of the nation this hope was formed, the event quickly discovered; for no sooner was the darling liquor withheld, than a general murmur was raised over all parts of this great city, and all the lower orders of the people testified their discontent in the most open manner. Multitudes were immediately tempted by the prospect of uncommon gain, to retail the prohibited liquors; of these many were detected, and many punished; and the trade of information was so lucrative, and so closely followed, that there was no doubt but the law would produce the effect expected from it, and that the most obstinate retailers would, by repeated prosecutions, be discouraged from the practice.

But no sooner did the people find their favourite gratification in real danger, than they unanimously engaged in its defence; they discovered that without informers, the new law was without operation; and the informers were therefore persecuted by them without mercy, and without remission, till at last no man would venture to provoke the resentment of the populace for the reward to which information intitled him.

Thus, my lords, one law has been eluded by artifice, and another defeated by violence; the practice of drinking spirits, however pernicious, still continued to prevail; the magistrates could not punish a crime of which they were not informed, and they could obtain no information

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of a practice vindicated by the populace.

It is not indeed to be allowed that the custom of drinking distilled liquors, however prevalent, has yet arisen to the height at which the noble lord who spoke last seems to imagine it arrived; for though it is undoubtedly true that seven millions of gallons are annually distilled, it is not to be imagined that the whole quantity is wasted in debauchery; some is exhausted by the necessities, and some by the conveniences of life; a great part is exported to other countries, and the distillery promotes many other purposes than those of riot and licentiousness.

That too much, however, is used by the common people, and that intemperance has for some time prevailed in a degree unknown to any former age, cannot be denied; and therefore some means of reclaiming them ought to be tried. What then, my lords, is to be done? The first law was eluded, the second is defied; the first was executed, but produced no restraint; the second produces a restraint so violent, that it cannot be executed.

That the present law is ineffectual, cannot be doubted by those who assert, that the quantity of spirits distilled, has every year increased; and there seems to remain therefore no other choice than that of suffering this increase to proceed, or to endeavour to prevent it by new regulations. The present law ought to be repealed, because it is useless; but surely some other ought to supply its place, which may be more easily enforced, and less violently opposed.

The Bill now before us, my lords, will, in my opinion, answer all the purposes of the last, without noise, and without disturbance. By lessening the price of licences, it will put a stop to clandestine retail; and by raising that of the liquors, it will hinder the common people from drinking them in their usual excess. Those who have hitherto lost their reason and limbs twice a day by their drunkenness, will not be able, under the intended regulations, to commit the same crime twice in a week; and as the temptation of cheapness will be taken away, it may be hoped that the next generation will not fall into the same vice.

Since therefore, my lords, the arguments in favour of this Bill are at least plausible and specious; since the design appears to be worthy of this assembly, and the method proposed such as may be hoped to produce the effects which the projectors of the Bill desire; and since the opinions of this House are at least divided, and the other has passed it almost without opposition, we ought at least, in my opinion, not to reject it with precipitation, but to refer it to a committee, that it may be fully considered; and those objections which cannot be answered, removed by proper alterations.

The Earl of *Chesterfield* *:

My lords; the Bill now under our consideration appears to me to deserve a much more close regard than seems to have been paid to it in the other House, through which it was hurried with the utmost precipitation, and where it was passed, almost without the formality of a debate; nor can I think that earnestness with which some lords seem inclined to press it forward here, consistent with the importance of the consequences which may be with great reason expected from it.

It has been urged, that where so great a number have formed expectations of a national benefit from any Bill, so much deference, at least, is due to their judgement, as that the Bill should be considered in a Committee. This, my lords, I admit to be in other cases a just and reasonable demand, and will readily allow that the proposal not only of a considerable number, but even of any single lord, ought to be fully examined, and regularly debated, according to the usual forms of this assembly. But in the present case, my lords, and in all cases like the present, this demand is improper, because it is useless; and it is useless, because we can do now, all that we can do hereafter in a Committee. For the Bill before us is a Money Bill, which, according to the present opinion of the Commons, we have no right to amend; and which therefore we have no need of considering in a Committee, since the event of all our deliberations must be, that we are either to reject or pass it in its present state. For I suppose no lord will think this a proper time to enter into a controversy with the Commons for the revival of those privileges to which I believe we have a right, and such a controversy the least attempt to amend a Money Bill will certainly produce.

* In the Collection of Dr. Johnson's Debates, this Speech is erroneously attributed to lord Carteret.

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To desire therefore, my lords, that this Bill may be considered in a Committee, is only to desire that it may gain one step without opposition; that it may proceed through the forms of the House by stealth, and that the consideration of it may be delayed till the exigencies of the government shall be so great, as not to allow time for raising the supplies by any other method.

By this artifice, gross as it is, the patrons of this wonderful Bill hope to obstruct a plain and open detection of its tendency. They hope, my lords, that the Bill shall operate in the same manner with the liquor which it is intended to bring into more general use; and that as those that drink spirits are drunk before they are well aware that they are drinking, the effects of this law shall be perceived before we know that we have made it. Their intent is to give us a dram of policy which is to be swallowed before it is tasted, and which, when once it is swallowed, will turn our heads.

But, my lords, I hope we shall be so cautious as to examine the draught which these state-empirics have thought proper to offer us; and I am confident that a very little examination will convince us of the pernicious qualities of their new preparation, and show that it can have no other effect than that of poisoning the public.

The law before us, my lords, seems to be the effect of that practice of which it is intended likewise to be the cause, and to be dictated by the liquor of which it so effectually promotes the use; for surely it never before was conceived by any man entrusted with the administration of public affairs, to raise taxes by the destruction of the people.

Nothing, my lords, but the destruction of all the most laborious and useful part of the nation can be expected, from the licence which is now proposed to be given not only to drunkenness, but to drunkenness of the most detestable and dangerous kind, to the abuse not only of intoxicating, but of poisonous liquors.

Nothing, my lords, is more absurd than to assert, that the use of spirits will be hindered by the Bill now before us, or indeed that it will not be in a very great degree promoted by it. For what produces all kind of wickedness, but the prospect of impunity on one part, or the solicitation of opportunity on the other; either of these have too frequently been sufficient to overpower the sense of morality, and even of religion; and what is not to be feared from them, when they shall unite their force, and operate together; when temptations shall be increased, and terror taken away?

It is allowed by those who have hitherto disputed on either side of this question, that the people appear obstinately enamoured of this new liquor; it is allowed on both parts, that this liquor corrupts the mind, enervates the body, and destroys vigour and virtue at the same time; that it makes those who drink it too idle and too feeble for work; and, while it impoverishes them by the present expence, disables them from retrieving its ill consequences by subsequent industry.

It might be imagined, my lords, that those who had thus far agreed, would not easily find any occasion of dispute; nor would any man, unacquainted with the motives by which parliamentary debates are too often influenced, suspect that after the pernicious qualities of this liquor, and the general inclination among the people to the immoderate use of it, had been generally admitted, it could be afterwards enquired, whether it ought to be made more common, whether this universal thirst for poison ought to be encouraged by the legislature, and whether a new statute ought to be made to secure drunkards in the gratification of their appetites.

To pretend, my lords, that the design of this Bill is to prevent or diminish the use of spirits, is to trample upon common sense, and to violate the rules of decency as well as of reason. For when did any man hear, that a commodity was prohibited by licencing its sale? or that to offer and refuse is the same action.

It is indeed pleaded, that it will be made dearer by the tax which is proposed, and that the increase of the price will diminish the numbers of the purchasers; but it is at the same time expected, that this tax shall supply the expence of a war on the continent: it is asserted therefore, that the consumption of spirits will be hindered, and yet that it will be such as may be expected to furnish, from a very small tax, a revenue sufficient for the support of armies, for the re-establishment of the Austrian family, and the repression of the attempts of France.

Surely, my lords, these expectations are not very consistent, nor can it be imagined that they are both formed in the same head, though they may be expressed by the same

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mouth. It is however some recommendation of a statesman, when of his assertions one can be found reasonable or true; and this praise cannot be denied to our present ministers; for though it is undoubtedly false, that this tax will lessen the consumption of spirits, it is certainly true, that it will produce a very large revenue, a revenue that will not fail but with the people from whose debaucheries it arises.

Our ministers will therefore have the same honour with their predecessors, of having given rise to a new fund, not indeed for the payment of our debts, but for much more valuable purposes, for the exaltation of our hearts under oppression, for the elevation of our spirits amidst miscarriages and disappointments, and for the cheerful support of those debts which we have lost hopes of paying. They are resolved, my lords, that the nation, which nothing can make wise, shall, while they are at its head, at least be merry; and since public happiness is the end of government, they seem to imagine that they shall deserve applause by an expedient which will enable every man to lay his cares asleep, to drown sorrow, and lose in the delights of drunkenness both the public miseries and his own.

Surely, my lords, men of this unbounded benevolence, and this exalted genius, deserve such honours as were never paid before; they deserve to bestride a butt upon every sign-post in the metropolis, or to have their countenances exhibited as tokens where this liquor is to be sold by the licence which they have procured. They must be at least remembered to future ages, as the happy politicians who, after all expedients for raising taxes had been employed, discovered a new method of draining the last reliques of the public wealth, and added a new revenue to the government; nor will those who shall hereafter enumerate the several funds now established among us, forget among the benefactors to their country, the illustrious authors of the Drinking Fund.

May I be allowed, my lords, to congratulate my countrymen and fellow-subjects upon the happy times which are now approaching, in which no man will be disqualified for the privilege of being drunk, when all discontent and disloyalty shall be forgotten, and the people, though now considered by the ministry as their enemies, shall acknowledge the lenity of that government under which all restraints are taken away!

But to a Bill for such desirable purposes, it would be proper, my lords, to prefix a preamble, in which the kindness of our intentions should be more fully explained, that the nation may not mistake our indulgence for cruelty, nor consider their benefactors as their persecutors. If therefore this Bill be considered and amended, (for why else should it be considered?) in a committee, I shall humbly propose, that it shall be introduced in this manner: "Whereas the designs of the present ministry, whatever they are, cannot be executed without a great number of mercenaries, which mercenaries cannot be hired without money; and whereas the present disposition of this nation to drunkenness inclines us to believe, that they will pay more cheerfully for the undisturbed enjoyment of distilled liquors, than for any other concession that can be made by the government, be it enacted, by the king's most excellent majesty, that no man shall hereafter be denied the right of being drunk on the following conditions."

This, my lords, to trifle no longer, is the proper preamble to this Bill, which contains only the conditions on which the people of this kingdom are to be allowed henceforward to riot in debauchery, in debauchery licenced by law, and countenanced by the magistrates; for there is no doubt but those on whom the inventors of this tax shall confer authority, will be directed to assist their masters in their design to encourage the consumption of that liquor from which such large revenues are expected, and to multiply without end those licences which are to pay a yearly tribute to the crown.

By this unbounded licence, my lords, that price will be lessened, from the increase of which the expectations of the efficacy of this law are pretended; for the number of retailers will lessen the value as in all other cases, and lessen it more than this tax will increase it. Besides, it is to be considered, that at present the retailer expects to be paid for the danger which he incurs by an unlawful trade, and will not trust his reputation or his purse to the mercy of his customer, without a profit proportioned to the hazard; but when once the restraint shall be taken away, he will sell for common gain; and it can hardly be imagined, that at present he subjects himself to informations and penalties for less than sixpence a gallon.

The specious pretence, on which this Bill is founded, and indeed the only pre-

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tence that deserves to be termed specious, is the propriety of taxing vice; but this maxim of government has on this occasion been either mistaken or perverted. Vice, my lords, is not properly to be taxed, but suppressed; and heavy taxes are sometimes the only means by which that suppression can be attained. Luxury, my lords, or the excess of that which is pernicious only by its excess, may very properly be taxed, that such excess, though not strictly unlawful, may be made more difficult. But the use of these things which are simply hurtful, hurtful in their own nature and in every degree, is to be prohibited. None, my lords, ever heard in any nation of a tax upon theft or adultery, because a tax implies a licence granted for the use of that which is taxed, to all who shall be willing to pay it.

Drunkenness, my lords, is universally and in all circumstances an evil, and therefore ought not to be taxed but punished; and the means of it not to be made easy by a slight impost which none can feel, but to be removed out of the reach of the people, and secured by the heaviest taxes levied with the utmost rigour. I hope those, to whose care the religion of the nation is particularly consigned, will unanimously join with me in maintaining the necessity, not of taxing vice, but suppressing it; and unite for the rejection of a Bill, by which the future as well as present happiness of thousands must be destroyed.

Lord *Lonsdale:*

My lords; the Bill now before us has, from its first appearance in the other House, seemed to me of such importance as to deserve the greatest attention, and to demand the most diligent enquiry; and I have therefore considered it with uncommon care, and pursued all those enquiries from which I could expect any assistance for discovering its tendency and its consequences, with the nicest and most anxious vigilance.

That my attention and diligence may not wholly terminate in the gratification of idle and useless curiosity, it is proper to inform your lordships of their result; by which I hope to convince you, as I am myself convinced, that this Bill cannot become a law, without endangering the lives of thousands, without dispersing diseases over the nation, or without multiplying crimes beyond the possibility of restraint or punishment; that it will fill the land with confusion for a time, by infatuating the people, and afterwards lay it desolate by destroying them.

All my enquiries, my lords, have had one constant and uniform effect. On what side soever I have turned my speculations, I have found new arguments against this Bill, and have discovered new mischiefs comprised in it; mischiefs which, however some may endeavour to overlook them, and others to despise them, will be found in a short time too general to be concealed, and too formidable to be neglected.

The first consideration, in which the necessity of deliberating on this Bill engaged me, related to the quality of the liquors which are mentioned in it. With regard to this question, my lords, there was no possibility of long suspence; for the pernicious effects of spirits were confessed equally by all those who countenanced and opposed this new project; nor could any man take a survey of this city without meeting in his way such objects as might make all farther enquiries superfluous. The idleness, the insolence, the debauchery of the common people, and their natural and certain consequences, poverty, diseases, misery, and wickedness, are to be observed without any intention of indulging such disagreeable speculations; in every part of this great metropolis, whoever shall pass along the streets, will find wretches stretched upon the pavement, insensible, and motionless, and only removed by the charity of passengers from the danger of being crushed by carriages, or trampled by horses, or strangled with filth in the common sewers; and others less helpless perhaps, but more dangerous, who have drank too much to fear punishment, but not enough to hinder them from provoking it; who think themselves in the elevation of drunkenness, entitled to treat all those with contempt whom their dress distinguishes from them, and to resent every injury which in the heat of their imagination they suppose themselves to suffer, with the utmost rage of resentment, violence of rudeness, and scurrility of tongue.

No man can pass a single hour in public places without meeting such objects, or hearing such expressions as disgrace human nature; such as cannot be looked upon without horror, or heard without indignation, and which there is however no possibility of removing or preventing, whilst this hateful liquor is publicly sold.



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But the visible and obvious effects of these pernicious draughts, however offensive or inconvenient, are yet much less to be dreaded than their more slow and secret operations. That excess of distilled spirits inflames the poor to insolence and fury; that it exposes them either to hurt by making them insensible of danger, or to punishment by making them fearless of authority, is not to be reckoned the most fatal consequence of their use; for these effects, though their frequency makes it necessary to suppress them, with regard to each individual are of no long duration; the understanding is in a short time recovered after a single debauch, and the drunkard may return to his employment.

But though the pleasures of drunkenness are quickly at an end, its pains are of longer continuance. These liquors not only infatuate the mind, but poison the body; nor do they produce only momentary fury, but incurable debility and lingering diseases; they not only fill our streets with madmen, and our prisons with criminals, but our hospitals with cripples. Those who have for a time infested the public walks with their insults, quickly disturb them with their lamentations, and are soon reduced from bullies to beggars, and obliged to solicit alms from those they used to threaten and insult.

Nor does the use of spirits, my lords, only impoverish the public, by lessening the number of useful and laborious hands, but by cutting off those recruits by which its natural and inevitable losses are to be supplied. The use of distilled liquors impairs the fecundity of the human race, and hinders that increase which Providence has ordained for the support of the world. Those women who riot in this poisonous debauchery are quickly disabled from bearing children, by bringing on themselves in a short time all the infirmities and weaknesses of age; or, what is yet more destructive to general happiness, produce children diseased from their birth by the vices of their parents, children whose blood is tainted with inveterate and accumulated maladies, for which no cure can be expected; and who therefore are an additional burden to the community, and must be supported through a miserable life by that labour which they cannot share, and must be protected by that community of which they cannot contribute to the defence.

Thus, my lords, is the great source of power and wealth dried up, the numbers of the people are every day diminished, and by consequence our armies must be weakened, our trade abandoned, and our lands uncultivated. To diminish the people of any nation is the most atrocious political crime that it is possible to commit; for it tends not to enslave or impoverish, but to annihilate; not to make a nation miserable, but to make it no longer a nation.

Such, my lords, are the effects of distilled liquors; effects of which I would not have shocked you with the enumeration, had it not been with a design of preventing them; and surely no man will be charged with so trivial an offence as negligence of delicacy, when he is pleading, not for the honour or the life of a single man, but for the peace of the present age, the health of posterity, and the existence of the British people.

After having examined the nature of these liquors, it is natural to enquire, how much they are in use; whether mankind appear to know their quality, and avoid and detest them like other poisons; or whether they are considered as inoffensive, and drank like other liquors to raise the spirits, or to gladden the heart; whether they make part of social entertainments, and whether they are handed round at public tables, without any suspicion of their fatal consequences.

It is well known, my lords, that these liquors have not been long in use among the common people. Spirits were at first only imported from foreign countries, and were by consequence too dear for the luxuries of the vulgar. In time it was discovered, that it was practicable to draw from grain, and other products of our own soil, such liquors as, though not equally pleasing to elegant palates with those of other nations, resembled them at least in their inebriating quality, and might be afforded at an easy rate, and consequently generally purchased.

This discovery, my lords, gave rise to the new trade of distilling, which has been now for many years carried on in this nation, and of the progress of which, since the duties were laid upon its produce, an exact account may be easily obtained, which I thought so necessary in our deliberations on this Bill, that I have procured it to be drawn out.

From this account, my lords, it will be discovered, what cannot be related without the utmost grief, that there has prevailed for many years a kind of contagious

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infatuation among the common people, by which they have been incited to poison themselves and their children with distilled spirits; they have forsaken those liquors which in former times enlivened their conversation and exalted their merriment, and instead of ale and beer, rioted of late in distilled spirits.

The amazing increase of the consumption of spirits for the last ten years, is a proof too evident of the prevalence of this destructive species of drunkenness; and I shall therefore, without troubling your lordships with earlier accounts, only mention in round numbers, the vast quantities for which the duty has been paid for a few years in that period. In the year 1733, the number of gallons distilled was 3,900,000, which in 1735 was increased to 5,300,000: soon afterwards the law was made which we are now persuaded to repeal, by the execution of which, however feeble and irresolute, the number was reduced in the first year afterwards to three millions, and might perhaps by steady perseverance have been every year lessened; but in a short time the people prevailed in the contest with the legislators, they intimidated information, and wearied prosecution; and were at length allowed to indulge themselves in the enjoyment of their favourite vice without any farther molestation.

The effects of this indulgence, my lords, have been very remarkable; nor can it be denied, that the government betrayed great weakness in suffering the laws to be over-ruled by drunkenness, and the meanest and most profligate of the people to set the statutes at defiance; for the vice which had been so feebly opposed spread wider and wider, and every year added regularly another million of gallons to the quantity of spirits distilled, till in the last year they arose to 7,100,000 gallons.

Such, my lords, is at present the state of the nation: seven millions of gallons of these poisonous liquors are every year swallowed by the inhabitants of this kingdom; and this quantity, enormous as it is, will probably every year increase, till the number of the people shall be sensibly diminished by the diseases which it must produce; nor shall we find any decay of this pernicious trade, but by the general mortality that will overspread the kingdom.

At least if this vice should be suppressed, it must be suppressed by some supernatural interposition of Providence; for nothing is more absurd than to imagine, that the Bill now before us can produce any such effect. For what, my lords, encourages any man to a crime but security from punishment, or what tempts him to the commission of it but frequent opportunity? We are however about to reform the practice of drinking spirits, by making spirits more easy to be procured; we are about to hinder them from being bought, by exempting the vender from all fear of punishment.

It has indeed been asserted, that the tax now to be laid upon these liquors will have such wonderful effects, that those who are at present drunk twice a day, will not be henceforward able to commit the same crime twice a week; an assertion which I could not hear without wondering at the new discoveries which ministerial sagacity can sometimes make.

In deliberations on a subject of such importance, my lords, no man ought to content himself with conjecture, where certainty may, at whatsoever expence of labour, be attained; nor ought any man to neglect a careful and attentive examination of his notions before he offers them in public consultations; for if they were erroneous (and no man can be certain that he is in the right, who has never brought his own opinions to the test of enquiry), he exposes himself to be detected in ignorance or temerity, and to that contempt which such detection naturally and justly produces; or if his audience submit their reason to his authority, and neglect to examine his assertions, in confidence that he has sufficiently examined them himself, he may suffer what to an honest mind must be far more painful than any personal ignominy, he may languish under the consciousness of having influenced the public counsels by false declarations, and having by his negligence betrayed his country to calamities which a closer attention might have enabled him to have foreseen.

Whether the noble lord, who alleged the certainty of reformation which this Bill will produce, ever examined his own opinion, I know not; but think it necessary at least to consider it more particularly, to supply that proof of it which, if it be true, he neglected to produce, or to show, if it be found false, how little confident assertions are to be regarded.

Between twice a day, and twice a week, the noble lord will not deny the proportion to be as seven to one; and therefore to prevent drunkenness in the degree which

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he persuades us to expect, the price of the liquor must be raised in the same proportion; but the duty laid upon the gallon will not increase the price a fifth part, even though it should not be eluded by distilling liquors of an extraordinary strength; one fifth part of the price is therefore, in his lordship's estimate, equal to the whole price seven times multiplied. Such are the arguments which have been produced in favour of this Bill; and such is the diligence with which the public happiness is promoted by those who have hopes of being enriched by public calamities.

As the tax will not make a fifth part of the price, and even that may be in some measure evaded, the duty paid for licences scarcely deserves consideration; for it is not intended to hinder retailers, but to make them useful in some degree to the ministry, by paying a yearly tax for the licence of poisoning.

It is therefore apparent, upon the noble lord's supposition, that the price of the liquor will be raised in consequence of this tax, that no man can be hindered from more than a fifth part of his usual debauchery, which however would be some advantage to the public; but even this small advantage cannot be expected from the Bill, because one part will obstruct the benefits that might be hoped from another.

The duty upon liquors, however inconsiderable, will be necessarily an augmentation of the price to the first buyer, but probably that augmentation will be very little felt by the consumer. For, my lords, it must be considered, that many circumstances concur to constitute the price of any commodity; the price of what is in itself cheap, may be raised by the art or the condition of those that sell it; what is engrossed by a few hands, is sold dearer than when the same quantity is dispersed in many; and what is sold in security, and under the protection of the law, is cheaper than that which exposes the vender to prosecutions and penalties.

At present, my lords, distilled spirits are sold in opposition to the laws of the kingdom; and therefore it is reasonable, as has been before observed, to believe that an extraordinary profit is expected, because no man will incur danger without advantage. It is at present retailed for the greatest part by indigent persons, who cannot be supposed to buy it in large quantities, and consequently not at the cheapest rate; and who must of necessity gain a large profit, because they are to subsist upon a very small stock.

These causes concurring, may be easily imagined to raise the price more than a fifth part above the profit which is expected in other traffic; but when this Bill shall become a law, the necessity of large profit will no longer subsist: for there will then be no danger in retailing spirits, and they will be chiefly sold in houses by persons who can afford to purchase them in great quantities, who can be trusted by the distiller, for the usual time allowed in other trades; and who therefore may sell them without any exorbitant advantage.

Besides, my lords, it is reasonable to imagine, that the present profit to the retailer is very great, since, like that which arises from the clandestine exportation of wool, it is sufficient to tempt multitudes to a breach of the law, a contempt of penalties, and a defiance of the magistrates; and it may be therefore imagined, that there is room for a considerable abatement of the price, which may subtract much more than is added by this new duty.

This deduction from the price, my lords, will probably be soon produced by the emulation of retailers, who, when the trade becomes safe and public, will endeavour to attract buyers by low rates; for what the noble lord, whose ingenious assertion I am now opposing, has declared with respect to traders, that for a tax of a penny upon any commodity, they oblige the consumers to advance two-pence, is not universally true: and I believe it is as likely, that the people will insist upon having the same liquor at the usual price, without regard to the tax, as that the venders will be able to raise their price in an unreasonable proportion. The obstinacy of the people with regard to this liquor, my lords, has already appeared; and I am inclined to believe, that they who have confessedly conquered the legislature, will not suffer themselves to be overcome in the same cause by the avarice of ale-house keepers.

I am therefore confident, my lords, that this Bill will produce no beneficial effects even in this city; and that in the country, where the sale of spirits was hindered by the late law, or where at least it might have been hindered in a great measure, it will propagate wickedness and debauchery in a degree never yet known; the torrent of licentiousness will break at once upon it, and a sudden freedom from restraint will produce a wanton enjoyment of privileges

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which had never been thought so valuable, had they never been taken away. Thus, while the crowds of the capital are every day thinned by the licensed distributors of poison, the country, which is to be considered as the nursery in which the human species is chiefly propagated, will be made barren; and that race of men will be intercepted, which is to defend the liberty of the neighbouring nations in the next age, which is to extend our commerce to other kingdoms, or repel the encroachments of future usurpation.

The Bill, my lords, will therefore produce none of the advantages which those who promote it have had the confidence to promise the public. But let us now examine, whether they have not been more sagacious in securing the benefits which they expect from it themselves.

That one of the intentions of it is to raise a sum to supply the present exigencies of the government is not denied; that this is the only intention is generally believed, and believed upon the strongest reasons; for it is the only effect which it can possibly produce; and to this end it is calculated with all the skill of men, long versed in the laudable art of contriving taxes and of raising money.

I have already shown to your lordships, that seven millions of gallons of spirits are annually distilled in this kingdom; this consumption, at the small duty of six-pence a gallon, now to be imposed, will produce a yearly revenue of 175,000*l.* and the tax upon licences may be rated at a very large sum; so that there is a fund sufficient, I hope, for the expences which a land war is to bring upon us.

But we are not to forget, my lords, that this is only the produce of the first year, and that the tax is likely to afford every year a larger revenue. As the consumption of those liquors, under its late discouragements, has advanced a million of gallons every year, it may be reasonably imagined, that by the countenance of the legislature, and the protection of authority, it will increase in a double proportion; and that in ten years more, twenty millions will be distilled every year for the destruction of the people.

Thus far, my lords, the scheme of the ministry appears prosperous; but all prosperity, at least all the prosperity of dishonesty, must in time have an end. The practice of drinking cannot be for ever continued, because it will hurry the present generation to the grave, and prevent the production of another: the revenue must cease with the consumption, and the consumption must be at an end when the consumers are destroyed.

But this, my lords, cannot speedily happen, nor have our ministers any dread of miseries which are only to fall in distant times upon another generation. It is sufficient for them, if their expedient can supply those exigencies which their counsels have brought upon the public; if they pay their court to the crown with success, at whatever disadvantage to the people, and continue in power till they have enlarged their fortunes, and then without punishment retire to enjoy them.

But I hope, my lords, that we shall act upon very different principles, that we shall examine the most distant consequences of our resolutions, and consider ourselves, not as the agents of the crown to levy taxes, but as the guardians of the people to promote the public happiness; that we shall always remember, that happiness can be produced only by virtue; and that since this Bill can tend only to the increase of debauchery, we shall, without the formality of a commitment, unanimously reject it with indignation and abhorrence.

Lord *Carteret:*

My lords; the Bill now before us has been examined with the utmost acuteness, and opposed with all the arts of eloquence and argumentation; nor has any topic been forgotten that could speciously be employed against it. It has been represented by some as contrary to policy, and by others as opposite to religion; its consequences have been displayed with all the confidence of prediction, and the motives upon which it has been formed, declared to be such as, I hope, every man abhors who projected or defends it.

It has been asserted, that this Bill owes its existence only to the necessity of raising taxes for the support of unnecessary troops, to be employed in useless and dangerous expeditions; and that those who defend it have no regard to the happiness or virtue of the people, nor any other design than to raise supplies, and gratify the ministry.

In pursuance of this scheme of argument, the consequences of this Bill have been very artfully deduced, and very copiously explained; and it has been asserted, that by passing it we shall show ourselves the patrons of vice, the defenders of debauchery, and the promoters of drunkenness.

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It has been declared, that in consequence of this law, by which the use of distilled liquors is intended to be restrained, the retailers of them will be multiplied, and multiplied without end; till the corruption, which is already too extensive, is become general, and the nation is transformed into a herd of drunkards.

With regard to the uses to which the money which shall arise from this tax is to be applied, though it has been more than once mentioned in this debate, I shall pass it over, as without any connection with the question before us. To confound different topics, may be useful to those whose design is to impose upon the inattention or weakness of their opponents, as they may be enabled by it to alter sometimes the state of the controversy, and to hide their fallacies in perplexity and confusion, but always to be avoided by those who endeavour to discover and to establish truth, who dispute not to confound but to convince, and who intend not to disturb the public deliberations but asssist them.

I shall therefore, my lords, only endeavour to show that the consequence, of which some lords express, and I believe with sincerity, such dreadful apprehensions, is not in reality to be feared from this Bill, that it will probably promote the purpose for which it is declared to be calculated, and that it will by no means produce that havoc in the human species which seems to be suspected, or diffuse that corruption through the people which has been confidently foretold.

The present state of this vice, my lords, has been fully explained as well by those who oppose the Bill as by those who defend it. The use of distilled liquors is now prohibited by a penal law, but the execution of this law, as of all others of the same kind, necessarily supposes a regular information of the breach of it to be laid before the magistrate. The people consider this law, however just or necessary, as an act of the most tyrannical cruelty, which ought to be opposed with the utmost steadiness and vigour, as an insupportable hardship from which they ought at any rate to set themselves free.

They have determined, therefore, not to be governed by this law, and have consequently endeavoured to hinder its execution; and so vigorous have been their efforts, that they have at last prevailed. At first they only opposed it by their perseverance and obstinacy, they resolved to persist in the practice of retailing liquors without regard to the penalties which they might incur by it; and therefore as one was put to prison, his place was immediately supplied by another; and so frequent were the informations and so fruitless the penalties, that the chief magistrate of the metropolis lamented publicly in the other House, the unpleasing necessity to which he was subjected by that law, of fining and imprisoning without end, and without hopes of procuring the reformation that was intended.

Thus they proceeded for some time, and appeared to hope that the magistrates would after a while connive at a practice, which they should find no degree of severity sufficient to suppress; that they would sink under the fatigue of punishing to no purpose, that they would by degrees relax their vigilance, and leave the people in quiet possession of that felicity which they appeared to rate at so high a price.

At length, my lords, instead of wearying the magistrates, they grew weary themselves, and determined no longer to bear persecution for their enjoyments, but to resist that law which they could not evade, and to which they would not submit. They therefore determined to mark out all those who by their informations promoted its execution, as public enemies, as wretches who, for the sake of a reward, carried on a trade of perjury and persecution, and who harassed their innocent neighbours only for carrying on a lawful employment, for supplying the wants of the poor, relieving the weariness of the labourer, administering solace to the dejected, and cordials to the sick.

The word was therefore given that no informer should be spared; and when an offender was summoned by the civil officers, crowds watched at the door of the magistrate to rescue the prisoner, and to discover and seize the witness upon whose testimony he was convicted; and unfortunate was the wretch who, with the imputation of this crime upon him, fell into their hands; it is well remembered by every man who at that time was conversant in this city, with what outcries of vengeance an informer was pursued in the public streets, and in the open day: with what exclamations of triumph he was seized, and with what rage of cruelty he was tormented.

One instance of their fury I very particularly remember. As a man was passing along the streets, the alarm was given that he was an informer against the re-

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tailers of spirituous liquors, the populace were immediately gathered as in a time of common danger, and united in the pursuit as of a beast of prey, which it was criminal not to destroy; the man discovered, either by consciousness or intelligence, his danger, and fled for his life with the utmost precipitation; but no housekeeper durst afford him shelter, the cry increased upon him on all hands, and the populace rolled on after him with a torrent not to be resisted; and he was upon the point of being overtaken, and like some others destroyed, when one of the greatest persons in the nation, hearing the tumult, and enquiring the reason, opened his doors to the distressed fugitive, and sheltered him from a cruel death.

Soon afterwards there was a stop put to all information; no man dared afterwards, for the sake of a reward, expose himself to the fury of the people, and the use of these destructive liquors was no longer obstructed. How much the practice of this kind of debauchery prevailed, after this short restraint, and how much the consumption of these destructive liquors has increased, the noble lord who spoke last has very accurately informed us, nor can any argument be offered for the present Bill more strong than that which his computations have already furnished.

For, if it appears, my lords, and it cannot be doubted after such authentic testimonies, that seven millions of gallons of spirits are every year consumed in this kingdom, and that of these far the greatest quantity is wasted in the most flagitious and destructive debauchery; it is surely at length necessary to consider by what means this consumption, which cannot be stopped, may be lessened, and this vice obstructed, which cannot be reformed.

By opening a sufficient number of licenced shops, the number of unlicenced retailers will be necessarily lessened, and by raising the price of the liquor, the quantity which the poor drink, must with equal certainty be diminished; and as it cannot be imagined that the number of those who will pay annually for licences, can be equal to that of the petty traders, who now dispose of spirits in cellars and in the streets; it is reasonable to believe that since there will be fewer sellers, less will be sold.

Some noble lords have indeed declared their suspicion, that the number of licenced shops will be such as will endanger the health of the people, and the peace of the commonwealth; and one has so far indulged his imagination, as to declare that he expects 1,500 shops to be set open for the sale of spirits, in a short time after the publication of this law.

If it be answered, that no spirits can be sold but by those who keep a house of public entertainment by a licence from the justices of the peace, the opponents of the Bill have a reply ready, that the justices will take all opportunities to promote the increase of the revenue, and will always grant a licence when it is demanded, without regard to the mischiefs that may arise from the increase of the retreats of idleness and receptacles of vice; and that therefore to allow justices to grant licences for the retail of any commodity upon which a tax is laid, is to permit the sale of it without limits.

But, my lords, this argument will vanish, when it is considered that those justices to whom the law commits the superintendency of public houses, are superintended themselves by men who derive their authority from a higher power, and whose censures are more formidable than judicial penalties. The conduct of the justices, my lords, as of every other person, lies open to the observation of the reverend clergy, by whose counsels it is to be regulated, and by whose admonitions it ought to be reformed; admonitions which cannot be supposed to be without force from men to whom the great province of preaching virtue and truth is committed, and whose profession is so much reverenced, that reputation and infamy are generally in their power.

Should the justices, my lords, abuse their authority, either for the increase of the revenue, or any other purpose, what could they expect but to be marked out on the next day of public worship for reproach and derision? What could they hope but that their crimes should be displayed in the most odious view to their neighbours, their children and their dependants; and that all those from whom nature or interest teaches them to desire friendship, reverence, or esteem, will be taught to consider them as the slaves of power and the agents of villainy, as the propagators of debauchery, and the enemies of mankind?

There is, therefore, my lords, reason to hope that the Bill may be useful, because it will be hindered from being detrimental; and as there is an absolute necessity of doing something, and no better method can

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at present be proposed, I think this ought not to be rejected. We have found by experience that the public is not to be reformed at once, and that the progress from corruption to reformation must be gradual; and as this Bill enforces some degrees of amendment, it is at least more eligible than the present law, which is wholly without effect, because no man will dare to put it in execution.

Every man must be convinced by his own experience of the difficulty with which long habits are surmounted. I myself suffer some indulgence which yet I cannot prevail upon myself to forbear; this indulgence is the use of too much snuff, to which it is well known that many persons of rank are not less addicted; and therefore I do not wonder that the law is ineffectual, which is to encounter with the habits and appetites of the whole mass of the common people. For this reason, my lords, I cannot approve what has been recommended in this debate, any new law that may put the enjoyment of this liquor yet farther from them, by facilitating prosecutions, or enforcing penalties, as I am convinced that the natural force of the people is superior to the law, and that their natural force will be exerted for the defence of their darling spirits, and the whole nation be shaken with universal sedition.

It has been objected by the noble lord, that the tax now proposed is such as never was raised in any government, because, though luxury may confessedly be taxed, vice ought to be constantly suppressed; and this, in his lordship's opinion, is a tax upon vice. His lordship's distinction between luxury and vice, between the use of things unlawful, and the excess of things lawful, is undoubtedly just, but by no means applicable on this occasion; nor indeed has the noble lord with all his art been able to apply it; for he was obliged to change the terms in his argument; and, instead of calling this tax, a tax upon strong liquors, to stigmatise it with the odious appellation of a tax upon drunkenness. To call any thing what it really is not, and then to censure it, is very easy; too easy, my lords, to be done with success. To confute the argument it is only necessary to observe, that this tax is not a tax upon drunkenness, but a tax laid upon strong liquors for the prevention of drunkenness; and by consequence, such as falls within the compass of his own definition.

That it is not a tax upon luxury cannot be inferred from the indigence of those whom it is intended to reform; for luxury is, my lords, *ad modum possidentis*, of different kinds, in proportion to different conditions of life, and one man may very decently enjoy those delicacies or pleasures to which it would be foolish and criminal in another to aspire. Whoever spends upon superfluities what he must want for the necessities of life, is luxurious; and excess therefore of distilled spirits may be termed with the utmost propriety the luxury of the poor. This, my lords, appeared to be the opinion of the noble lord who spoke so copiously on this question at the beginning of the debate; of this opinion was the reverend prelate when he observed, that 'necessity itself was become luxurious,' and of this opinion must every man be, who advises such a duty to be laid upon these liquors as may at once debar the poor from the use of them; for such a proposal evidently supposes them unnecessary, and all enjoyment of things not necessary is a degree of luxury. To tax this luxury, which is perhaps the most pernicious of all others, is now proposed; but it is proposed to tax it only to suppress it, to suppress it by such slow degrees as may be borne by the people; and I hope a law so salutary will not be opposed only because it may afford the government a present supply.

The Duke of *Newcastle*:

My lords, I am of opinion that this debate would have been much shorter, had not the noble lords who have spoken in it suffered themselves to be led away, either by their own zeal or the zeal of their opponents, from the true state of the question, to which I shall take the liberty of recalling their attention, that this important controversy may have at length an end.

The point, the only point, that is, in my opinion, now to be considered is this: the people of this nation have for some time practised a most pernicious and hateful kind of debauchery; against which several laws have been already made, which experience has shown to be so far without effect, that the disorder has every year increased among them; [While the Duke was speaking, the bishop of St. Asaph (Dr. Isaac Maddox) said, without intention to be overheard, "Yes, that is the true state of the case," upon which the Duke stopped, and asked whether his lordship had any objection to make, who answered that he had no design of interrupting him;



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and he therefore proceeded.] A new law therefore is proposed less severe indeed than the former, but which it is hoped will be for that reason more efficacious; this law having passed through the other House, is now in the common course of our procedure to be considered by us in committee.

We are now, my lords, therefore to resolve, whether a Bill for the reformation of this flagrant vice deserves any farther deliberation, whether we shall join with the other House in their endeavours to restore the ancient sobriety and virtue of the British people, or, by an open disapprobation of their attempt, discourage them from prosecuting their design, and debar them from using the opportunities that succeeding years may afford, and the new lights which experience may supply for improving this essay, however imperfect, to a salutary and unexceptionable law.

The prelates whose laudable zeal for the promotion of virtue has prompted them to distinguish themselves on this occasion by an uncommon warmth of opposition, ought, as they appear fully sensible of the calamities which intemperance brings upon mankind, to consider likewise the consequences of refusing to examine in a committee a Bill professedly drawn up to restrain intemperance. They ought to remember, that by rejecting this Bill without a particular examination of the several clauses which it contains, and without those particular objections which such examinations necessarily produce, we shall discover a contempt of the wisdom or virtue of the other House, which may incline them in their turn to obstruct the measures of the government, or at least to neglect that evil, however great, for the redress of which they have no reason to expect our concurrence.

Those whose particular province it is to inspect the lives of the people, to recal them from vice, and strengthen them in virtue, should certainly reflect on this occasion, that the safest method ought to be chosen; and therefore that this Bill ought to be promoted; because, not to affirm too much, it is possible that it may produce some degree of reformation; and the worst that can be feared is, that, like the present law, it will be ineffectual; for the corruption and licentiousness of the people are already such, that nothing can increase them.

The Bishop of *Salisbury*:*

My lords; I am so far from being convinced by the arguments of the noble duke, that the Bill now before us ought to be committed without farther opposition, that, in my opinion, nothing can be more unworthy of the honour of this House, or more unsuitable to the character which those who sit on this bench ought to desire, than to agree to any vote, which may have the most distant appearance of approbation.

That a Bill drawn up for the reformation of manners, for the restraint of a predominant and destructive vice, for the promotion of virtue, and the enforcement of religion, ought at least to be calmly and particularly considered, that the laudable endeavours of the Commons ought not to be discouraged by a precipitate and contemptuous rejection of the measures which they have formed for the attainment of a purpose so important, is indeed a specious and plausible method of persuasion; but, my lords, it can affect only those who come to deliberate upon this Bill without having read it. A very slight and cursory, perusal of the Bill, my lords, will dissipate all the mists which eloquence can raise; it will show that the law now proposed can neither be useful nor effectual, but that it must operate very powerfully, though in a manner by no means agreeable to its title.

To prevent the excessive use of any thing, by allowing it to be sold without restraint, is an expedient which the wisdom of no former age ever discovered; it is indeed a fallacy too gross to be admitted, even by the most inconsiderate negligence, or the most contemptuous stupidity; nor am I at all inclined to believe that the Commons will impute the rejection of this Bill to our disregard of virtue, or think that we have defeated any endeavours for the suppression of wickedness.

It has been affirmed, that though by the Bill the sale is permitted, it is permitted only because it cannot be hindered; and that the price is raised so high, that though the lawful venders may be multiplied, the number of the purchasers must be diminished. But even this argument, like all others that have yet been advanced, is confuted by the Bill itself, from which the tax now proposed appears to be such as, when sub-divided by the small mea-

* Dr. Thomas Sherlock.



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sures in which retailers sell these liquors, will scarcely be perceived, and which, though it may enrich the government, will not impoverish the people, except by destroying their health, and enervating their limbs.

The tax, my lords, even supposing it paid without any method of evasion, is so low, that in a quarter of a pint, the quantity which the lower people usually demand at once, it does not amount to any denomination of money; and so small an addition will be easily overbalanced by the sale of a larger quantity than formerly, for it cannot be doubted but the practice which prevailed in opposition to the law; will grow yet more predominant by its encouragement; and that therefore the advantage of a large and quick sale will lessen the price more than so slight a tax can possibly increase it.

The noble duke has endeavoured to reduce us to difficulties, by urging, that since the corruption of the people cannot be greater, we ought willingly to agree to any law, of which the title declares that it is intended to produce a reformation, because the worst that can be feared is, that it may be without effect. But, my lords, such is the enormous absurdity of this Bill, that no plea can be offered for it with the least appearance of reason; and the greatest abilities, when they are exerted in its defence, are able only to show by fruitless efforts that it cannot be vindicated. If the state of the nation be really such as has been supposed, if the most detestable and odious vice has overspread the kingdom to its utmost limits, if the people are universally abandoned to drunkenness, sloth, and villany, what can be more absurd than to trifle with doubtful experiments, and to make laws which must be suspected of inefficacy? In the diseases of the state, as in those of the body, the force of the remedy ought to be proportioned to the strength and danger of the disease; and surely no political malady can be more formidable than the prevalence of wickedness, nor can any time require more firmness, vigilance, and activity, in the legislative power.

That the law, therefore, may be without effect, is, in the present state of corruption, if it has been truly represented a sufficient reason for rejecting it, without allowing it to be committed; because there is now no time for indulgence, or for delays: a nation universally corrupt, must be speedily reformed, or speedily ruined. Those habits which have been confessed to be already too powerful for the laws now in being, may in a short time be absolutely irresistible; and that licentiousness which intimidates the officers of justice, may in another year insult the legislature.

But, my lords, I am yet willing to hope that the noble duke's account of the wickedness of the people, was rather a rhetorical exaggeration uttered in the ardour of dispute, than a strict assertion of facts; and am of opinion that, though vice has indeed of late spread its contagion with great rapidity, there are yet great numbers uninfected, and cannot believe that our condition is such, as that nothing can make it more miserable.

In many parts of the country, my lords, these liquors have not yet been much used, nor is it likely that those who have never sold them, when the law allowed them, will begin an unnecessary trade, when it will expose them to penalties. But a new law in favour of spirits will produce a general inclination, and a kind of emulation will incite every one to take a licence for the retail of this new liquor; and so every part of the kingdom will be equally debauched, and no place will be without a vender of statutable poison. The luxury of the vulgar, for luxury, in my opinion, it may very properly be called, will still increase, and vices and diseases will increase with it.

There is at least one part of the nation yet untainted, a part which deserves the utmost care of the legislature, and which must be endangered by a law like this before us. The children, my lords, to whom the affairs of the present generation must be transferred, and by whom the nation must be continued, are surely no ignoble part of the public. They are yet innocent, and it is our province to take care that they may in time be virtuous; we ought therefore to remove from before them those examples that may infect, and those temptations that may corrupt them. We ought to reform their parents, lest they should imitate them; and to destroy those provocatives to vice, by which the present generation has been intoxicated, lest they should with equal force operate upon the next.

There is, therefore, no occasion, my lords, for any further deliberation upon this Bill; which, if the nation be yet in any part untainted, will infect it; and if it be universally corrupted, will have no tendency to amend it; and which we

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ought for these reasons to reject, that our abhorrence of vice may be publicly known, and that no part of the calamities which wickedness must produce, may be imputed to us.

Lord *Delawar:*

My lords; as I am entirely of opinion that a more accurate examination of this Bill will evince its usefulness and propriety to many of the lords who are now most ardent in opposing it, I cannot but think it necessary to consider it in a committee. It is to be remembered, my lords, that this Bill is intended for two purposes of very great importance to the public; it is designed that the liberties of mankind shall be secured by the same provisions by which the vices of our own people are to be reclaimed, and supplies for carrying on the war shall be raised by a reformation of the manners of the people.

This, my lords, is surely a great and generous design; this is a complication of public benefits, worthy the most exalted virtue, and the most refined policy; and though a Bill in which views so distant are to be reconciled, should appear not to be absolutely perfect, it must be yet allowed to deserve regard; nor ought we to reject without very cautious deliberation any probable method of reforming the nation, or any easy way of raising supplies. The encroachment of usurpation without, and the prevalence of vice within, is a conjunction of circumstances very dangerous; and to remove both by the same means, is an undertaking that surely cannot deserve either censure or contempt; if it succeeds, it may demand the loudest acclamations; and if it fails, must be at least approved.

The use, my lords, of spirituous liquors, though, in the excess now so frequently to be observed, undoubtedly detrimental to multitudes, is not, in a proper degree, either criminal or unwholesome; and therefore ought not to be prohibited by a tax so heavy as has been proposed by a noble lord, who, if he pursues his reasoning, must propose to tax in the same proportion every other liquor that can administer to vice. It is, however, certain, that too much is wasted in riot and debauchery; and that therefore some addition to the price of this liquor ought to be made, that, though the use of it may be continued, the excess may be restrained. What will be the effects of this Bill, and whether either of these benefits are to be expected from it, can be known only by an impartial examination; and therefore it ought to be discussed with that accuracy which is peculiar to a committee.

Lord *Lonsdale:*

My lords, that a Bill which shall restrain the excess of drinking distilled liquors without hindering their moderate use, will deserve the applause of every lover of his country, I cannot deny; but that any such Bill can be contrived, may very justly be doubted; for in proportion to their price they will always be used, and nothing can hinder excess but a high tax, such as I have already proposed.

The Bill now before us, my lords, will indeed by no means obstruct the moderate use, because it will give an unbounded licence to the most luxurious excess; if therefore nothing more be intended in the committee, than to consider how far this Bill will promote the reformation of the people, it is surely not necessary to engage in any farther enquiries.

It has appeared already, to those who do not obstinately shut their eyes, that there is in it no provision for the prevention of that abuse of spirits which universally prevails. It has appeared, that the cheapness of licences will not hinder the present retailers from carrying on an illegal trade; that information will not now be more safe or more frequent than before, and that the duty, if not in part evaded, may yet be probably abated from the present profits of the sale. It has appeared, my lords, that no effect can be produced by this Bill but the promotion of debauchery, the increase of drunkenness, the subversion of order, and the decay of industry; the miseries of disease, and the rage of want.

But that this Bill will not produce, at least for some time, a large addition to the public revenues, has not yet been proved; and while it is allowed that it will raise money, I do not wonder to hear it steadily defended, because nothing more is expected from it. But as I have not yet conversed enough with statesmen to persuade myself that the government ought to be supported by means contrary to the end for which government is instituted, I am still convinced that this Bill ought to be rejected with contempt, because it will lessen the wealth of the nation without any equivalent advantage, and will at once impoverish the people, and corrupt them.

The Earl of *Ilay:*

My lords; I cannot but be of opi-

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nion that this debate has been carried on with a vehemence by no means necessary, and that the question has been perplexed by a mistaken zeal; that the effects of this Bill have been exaggerated perhaps on both sides, and that the opinions which have been formed with relation to it, are not really so opposite as they appear. Those who oppose the Bill, think the duty upon spirits not so high as to hinder that debauchery which so much prevails among us: and those that vindicate it, declare that more violent restraints will not be borne. Both parties have reason, and the vindicators of the Bill have likewise experience, on their side.

But, my lords, though severe restraints suddenly opposed to the habits and inclinations of the people, operating in their full force, may be broken through by restless struggles, and obstinate resistance, yet a diminution of those gratifications will be borne which cannot wholly be taken away, and the same laws, introduced by proper degrees, will be patiently obeyed: this therefore may be very properly considered as the first tax necessary to be laid, which, though it may produce no great effects in itself, may at least make way for a second that shall be more sensibly felt, till at length these fatal spirits shall be raised to a price at which few will be able, and none willing, to purchase one pleasure of drunkenness.

But it is not impossible that even this tax, with the other provisions in the Bill, may produce the reformation which is unanimously desired; and as violence should never be used till gentle methods have been tried, this Bill ought, in my opinion, to be passed, and therefore to be referred to a committee without further debate; for it will be thought both by our allies and our enemies, that a great part of this House is very indifferent about the success of the war, if we delay the supplies, by disputing in what manner they shall be raised.

The question being then put on the motion for committing the Bill, it was resolved in the affirmative. Contents 59, Proxies 23; 82. Not Contents 38, Proxies 16; 54. Lord Delawar was Teller for the Bill, and lord Hervey against it. Of the latter were ten bishops, being all that were then in the House.*

* "It was remarked on this occasion, that there being ten prelates in the House, they all divided against the question; upon which the earl of Chesterfield seeing them come towards him, said, he doubted if he had not mistaken the side, not having had the honour of their company for many years." Gentleman's Magazine.

February 24. Their lordships having gone into a committee on the said Bill, lord Delawar in the chair,

Lord *Lonsdale* rose and said:*

My lords; notwithstanding the specious arguments which were used to

* *From the Secker Manuscript.*

Feb. 24. The House in a Committee on the Bill relating to Spirituous Liquors: Lord Delawar in the Chair.

*Lonsdale.* All the lords who have spoken have agreed, that the duty is proposed is too low [or little,] and therefore as the mischief is great, deferring a remedy to the next year is inexcusable. But if you do not remedy it now, you can never do it, till the Commons lay on another tax on these liquors. Since the slackening of the prosecutions, the increase hath been greater than ever. This shews that the administration hath not had the affair on their thoughts. This Bill is calculated for raising money, and nothing else. But for the money you had never had it. Nobody thought of curing the evil. Therefore stop this Bill for not curing it: and they will give you a good one: If not, nothing will be done.

If one million of gallons out of the seven distilled be employed in good uses, the remaining 6, at ¼ a pint each, will make 96 millions drunk at once, and one-tenth part of it, 9,600,000. And if each drunkenness loses the labour of one day at a shilling, it is 480,000*l.* lost. Six millions of gallons will give 10 gallons a year, which is near a quartern a day, to 600,000 persons. If one in 30 of these are killed, it is 20,000 persons a year: if one in 30 more disabled it is 20,000 more: if one in 6 is a woman, and one in 20 of these with child, there will probably be 5,000 children destroyed thus: if one in 20 of them hath the care of young children and gives them this liquor, here will be 5,000 more destroyed. And do you see this, and will you delay the cure for one year certain, and you know not how many more? It is beyond humanity to hear doing so. Lords said the other day, they admitted all that could be said: I cannot believe it. If you could assemble these people and see them in this condition, is there one man could say, 'This shall continue so till next year?' It doth not belong to human nature. I move therefore, that the noble lord may leave the chair. After which I would propose, that this matter may be adjourned to this day sevennight: and against that time have an account from the ministers of parishes, physicians, justices, principal tradesmen and artificers, of the effects of this

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influence the House to permit this Bill to escape the censure it deserved, and be admitted to a farther examination in a committee, I am still confident that nothing can justly be offered in its defence; and am not afraid to declare my opinion, that it is not approved even by those who vindicate it; of whom I cannot but believe, from long experience of their judgment and their knowledge, that they consider it only as an easy manner of raising money, as an expedient rather necessary than eli-

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liquor. This will certainly throw out the present Bill: and we may have another this year. At least, it will shew the Commons and the administration the necessity of doing something further hereafter.

A long silence.

*Ilay.* What the noble lord hath said, he acknowledges tends to throw out the Bill. It would have been proper at the second reading: it will be proper at the third; but not now. The Committee sits only to amend the Bill.

*Aylesford.* We cannot amend this Bill: therefore resume the House, and postpone it till the Commons shall know the concern you are in upon the subject: and that you expect a Bill of another nature from them.

*Ilay.* The Commons cannot send up another Bill on this subject till this is thrown out: amendments to this Bill, I believe in the end would be fruitless. But it hath never been advanced that you cannot amend such Bills. You may do it legally.

*Aylesford.* I am as far from giving up that point, as any lord. But we all know the practice: and I would not have a dispute of this nature arise at present. The Committee of Supply is still open: and the Commons may take another way of raising the money.

*Bedford.* The intention of the noble lord, who made the motion, was, that the House might be so informed as either to amend the Bill, or throw it out. If you amend it, the Commons will not pass it: but they will make another like it.

*Carteret.* No remedy can be contrived adequate to the evil at once. This is a step. The matter is understood better than it was: and there may be further steps taken. But a prohibition will destroy our own distillery. There is a great exportation of this liquor. But a small part of it is so used as to do harm. Nothing but an army, ten times greater than I hope there ever will be in this nation, could have executed 9 Geo. 2, and perhaps not that. All that you can do will not save one life of those who will drink it. There is a poisonous liquor in Ireland called sheepy. There are laws against it: but they signify nothing. Nobody sells it: but all the common people drink it. If a high duty be laid on it, your own spirits will be carried out, and the drawback taken, and they will be run in again. If this evil cannot be prevented, avail yourselves of the money arising from it. Remember the emperor Vespasian's saying. After what hath been spoken in these debates, this affair will be considered at some other time. And when this Bill is passed, it will be liked.

*Hervey.* Money was the first argument for this Bill. When that was exploded, lessening the consumption of these liquors was the next. This proved weaker still: and now a retreat is made to the first. This Bill is called an experiment. Do not make an experiment upon the lives of the people, but rather upon a little money. If money fails, you know how to supply it: but do not punish the nation capitally. Would you let as many people run goods as please, provided they will pay so much to the service of the year? No: the revenue would suffer by that. But if the lives of the people are in question, you will not regard that. But no law will prevent this evil. Nor will any law prevent robbery. But will you therefore let every man take out a licence to rob, and increase the revenue by that means? Yet would not that be as good as to say, Let every man that will, take a licence to destroy himself and his posterity. It is beneath the House to be trying to split hairs upon forms in matters of such a nature. Let the House be resumed, and the Bill dropt. Do not say to the people, There are 50,000 houses open, go into any of them that you will, and kill yourselves. Put the former act in execution, till another can be provided; and do not throw away your present medicine till you have a better.

*Bath.* The Bill, as it now stands, is not sufficient; but it will not bear near what was moved the other day. They who talk of prohibitions do not know what they say. As for putting the matter off for a fortnight or three weeks, so late in the session, may not the committees of supplies and ways and means be closed? If they are, it must be a new session. To bring in the same Bill with a new title will be ridiculed. Gentlemen are gone into the country, and think the supplies over: will you have a new supply, and a new tax now? It will be hard to find one, against which nobody hath any objection: which was the case of the present, till it came to this House. Besides, may not a considerable part of this supply be already advanced? There is a million of annuities, and 800,000*l.* and 500,000*l.* all at 3 per cent. These will be loose again: and they who have lent at 3 will have 4 or 5. Even what lords have painted so dreadfully, cannot do more harm in a year than this will do. There may be a great benefit of raising money so cheap: enabling you to carry on a vigorous pushing war; and when it is over, to sink the rest of the government securities to 3 per cent. which will add 450,000*l.* a year to the Sinking Fund. But what effect will rejecting this Bill have abroad? It must retard the operations: and that just when the Dutch are come in. This very duty will greatly lower the ex-

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gible, and such as only the exigencies of the government could have prevailed upon them to propose; for nothing is more evident, than that it cannot answer the purposes of the former Bill.

This, however harsh it may appear, and however inconsistent with that delicacy, with which the debates of this House have generally been carried on, must surely be pardoned on this occasion, if for no other reason, at least for this, that it is not easy to forbear it, it is impossible wholly to

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cess complained of. If it were 3*s.*, you would send them to Holland to buy cheaper. Or as now a great deal sent from hence is run back upon us, as French: so if the duty were higher they would get a higher drawback from the public, carry it out to sea, run it in, and sell it cheaper than ever. A tax of 50,000*l.* a year upon drunkenness will lessen it. The produce of the present duty is 170,000*l.* this Bill, if the consumption be equal, should raise it to 340,000*l.* and it will never be 250,000. If this doth not do, I would add: and it may bear sixpence.

*Talbot.* Persons are brought into the 3 per cent annuities by the pleasure of the lottery. So you raise money by gaming, and pay it by drinking.

*Lonsdale.* I have been talking of the lives and morals of the people, and the condition of the next generation: and I am answered, The Committee of Supplies may be closed, the Commons must sit a fortnight longer, the manufacture will go to decay. This last is the thing I want: so far as it exceeds wholesome use. The consideration of the lives of the people makes no impression on lords. Let those who can give a better account of these matters be heard, and it will make an impression. Shall the government avail themselves of the people's death? It shall be remedied, they say, another year: but they must avail themselves of those who are to be killed this year. Why would interest rise, if this Bill were rejected? The money appears so ready, that people will not know what to do with it else. Let all the world understand that this Bill was stopt merely because it was a wrong one, that no money is wanting: and the same sum will be given another way in three weeks time. There is no trade with these spirits, but mere pretence. For the other nations of Europe have them cheaper or better than you: and they can make them cheaper in the West Indies. Therefore I would take off the drawback. Private enquiries are not sufficient about these matters. Let all that can be said upon them, be brought into a body.

*Newcastle.* How do we know that, if we reject this Bill, the Commons will send up another on this subject. Suppose they should leave the Gin Bill just as it is; suppose they had sent up no Bill in relation to it, but provided the money another way, would any lord have complained? [Yes: many have complained: but as a House they cannot, without such an opportunity as this.] Some have thought even the present duty so high, as that it would bring in foreign spirits. But I own this duty is not high enough. And if this Bill proves insufficient, I hope and believe you will have a better next year. There was a redemption in the last Gin Act. And there may be another.

*Sandwich.* The more people use this liquor, the more they will want it: and they will drink more under the protection of the law, than now.

*Bathurst.* My calculations have been so treated, that I will go no farther than to say, that every penny laid on will produce a rise of 3*d.* If you raise the duty too high, the Dutch will run their spirits upon you, and your people will be drunk at their profit.

*Hervey.*

*Bathurst.*

*Chesterfield.* There is a fortnight's delay on one side; and the health of the people on the other. Arguments drawn from what may be done in another House, shall never have weight with me. Why is it the latter end of the session now? I know of no latter end. The Committee of Supplies is not closed. It sits on Monday next. The money comes in so readily, not from any particular affection to the Drinking Fund: but on account of the security of the other fund. Or it is subscribed for the sake of the gaining part of the scheme; which I do not like? It cannot have a bad effect, that you do not pass a Bill of Mortality on the subject. And if you do pass this Bill, how do you know that you shall ever have an opportunity of remedying the evil? I believe this fund will produce a great deal, and will be a very pleasing experiment. But administrations are never willing to part with a fruitful productive tax: and persons are seldom very tender of the lives of their enemies. Therefore they will not part with this. "Let us avail ourselves of the destruction of the people." A fine avail! Who must support the government then? These are doctrines maintained no where, but in the "Fable of the Bees:" a most detestable book, which tends to the destruction of all morality and all decency. Thus the Pope avails himself of whoredom. A noble lord hath mentioned the tax, which Vespasian laid on a spirituous liquor of another kind, that would not indeed admit of a total prohibition. But he was despised even for this, as a meanness. But had he laid such a tax as the present, it would have been mentioned with horror. I am sorry the first resource for our new measures, which I hoped would have been founded upon virtue, is drunkenness and gaming. These are the spring fruits of the administration: and as people will judge of the tree by its fruits, I fear the autumnal ones will be bad. Vices will be, offences will come: but woe to the man by



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suppress it in the mind; and to forbear to speak what cannot but be thought, is no part of the duty of a public counsellor.

The conduct of those whose station subjects them to the resentment of the ministry, or who may be reasonably imagined to expect favours from them, has, throughout all our deliberations on this Bill, been such as evidently discovers their only care to be the imposition of a new tax, and the establishment of a new fund. They do not seem to urge seriously any other argument than the necessity of raising money, or to oppose the objections that have been offered, for any other reason than because they have a tendency to obstruct the supplies. No other argument can, indeed, be urged in vindication of a Bill which every principle of policy or justice must incite us to condemn; a Bill by which the sense of morality and religion will be extinguished, and the restraints of law made ineffectual; by which the labourer and manufacturer will be at once debilitated and corrupted, and by which the roads will be filled with thieves, and the streets with beggars.

It appears, my lords, from the papers on the table, that seven millions of gallons are every year distilled; and experience shews us, that the quality of the liquor is such, that a quarter of a pint is sufficient to intoxicate the brain. Upon this computation, my lords, it is reasonable to believe, that a twentieth part of the labouring hands of this nation are detained from their proper occupations by this kind of drunkenness; and consequently that a twentieth part of the trade is every year lost, or perhaps a twentieth part of our people every year hurried to the grave, or disabled from contributing to the public good. These, my lords, are no doubtful facts or conjectural calculations, they are confirmed by the most incontestable evidence, and established by all the demonstrations of arithmetic; and therefore your lordships are in no danger of error from either ignorance or uncertainty, but must determine, if you approve this Bill, in opposition to all the powers of conviction, and must set aside testimony and reason at the same time. These facts, my lords, are so plain, that the warmest advocates for the Bill have tacitly acknowledged them, by proposing that, if it be found ineffectual, it shall be amended the next session. What effect this proposal may have upon others, I know not; but, for my part, I shall never think it allowable to sport with the prosperity of the public, or to try experiments by which, if they fail, the lives of thousands must be destroyed. Such a scheme, my lords, very ill becomes those to whom their ancestors have transmitted the illustrious character of guardians of the people; for surely such cruelty was never practised by the utmost wantonness

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whom they come. 'Qui non vetat, jubet.' The duty of 9 Geo. 2, was not laid on the still-head: and by that means it had not the effect. It is not meant the duty should be a prohibition to all, but to the common people. It is said, raise it by degrees. If you should fall into the fire, would you bid your servant pull you out by degrees? At least make one amendment, leave out Lords '*Spiritual*' both in reverence to their character, and justice to their conduct.

*Ilay.* This debate hath been contrary to order. There are two ways for rejecting a Bill, reasoning it out, and laughing it out. Each hath been tried by the greatest genius in each way. 9 Geo. 2, is the absurdest of all systems: and I should have though the projector a Gin-Drinker, if we had not all known him to be the soberest of men. All the drinkers would be for the continuance of that Act, and are afraid of this Bill.

Question, that the House be resumed.

N. C. 56.
C. 35.

Both sides, I think, consisted of the same persons: only lord Carlisle was said not to be in the House. And the bishop of Rochester was not there. But the bishop of Bristol was, and voted with the Contents.

*Sandwich.* Several lords are coming to town. Defer the third reading till Tuesday.

*Carteret.* Read it to-morrow.

*Hervey.* This looks as if time and consideration would hurt the Bill. A jury of any twelve men in England, excepting those who have voted for it, would bring it in Guilty of Murder.

*Cholmondeley.* This is not decent treatment of a Bill, which hath passed the committee, and of the lords who are for it. I have not deserved it from the noble lord, and I appeal to the House.

*Bedford.* No law is concluded by the divisions that have been on this Bill: and the hardest words may be used about it till it is passed.

*Talbot.*

Question put for reading it on Tuesday.

N. C. 52.
C. 29.

The bishop of Chichester was N. C. the other bishops C.

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of tyranny, or the most savage rage of invasion. No man ever before conceived the design of scattering poison for a certain period of time among the people, only to try what havock it would make.

What will be the effects of unrestrained and licensed debauchery may be known, without the guilt of so dreadful an experiment, only by observing the present conduct of the people, even while they are hindered from the full enjoyment of their pleasures, by the terrors of a penal law. Whoever shall be so far touched with the interest of the public, as to extend his enquiries to the lowest classes of the people, will find some diseased, and others vitiated; he will find some imprisoned by their creditors, and others starving their children; and if he traces all these calamities and crimes to their original cause, will find them all to proceed from the love of distilled liquors.

I know, my lords, that in answer to all these expostulations, and a thousand more, it will be urged by the ministers and their friends, that there is no other method to be found of raising the supplies, and that the demands of the government must be satisfied at whatever rate, and by whatever means.

Though I am very far from approving this assertion, I do not wonder at its prevalence among those who are enriched by every tax, and whose only claim to the preferments which they enjoy, arises from their readiness to concur in every scheme for increasing the burdens of the public; and therefore shall never expect their approbation of any proposal, by which a new tax may be retarded; yet I cannot but declare that, in my opinion, we ought to suspend our proceedings, that the Commons may discover what danger their negligence, precipitation, or blind compliance, has brought upon the nation; and that the people may, by so signal a proof of our disapprobation, be alarmed against any attempt of the same kind under any future administration.

This, my lords, will be considered, not only by posterity, but by all the wise and honest men of the present time, as a proof of our regard for virtue, and our attention to the public welfare. This conduct will be secretly approved, even by those who may think themselves obliged to oppose it in public; and, as it will be moderate and decent, may probably preserve the nation without irritating the other House.—I therefore move, my lords, that instead of proceeding in the superfluous forms of a committee, we should resume the House, and endeavour to obtain farther information.

The Earl of *Cholmondeley*:

My lords; the observations which, though sufficiently explained and enforced in the late debate, the noble lord has been pleased to repeat on this occasion, are in themselves, indeed, sufficiently pertinent, and have been urged by his lordship with uncommon spirit and elegance; but he ought to have reflected, that general declamations are improper in a committee, where the particular clauses of the Bill are to be separately considered. I propose, therefore, that instead of wasting that time, of which the exigencies of the public now require an uncommon frugality, in useless rhetoric, and untimely vehemence, we should proceed to examine in order the distinct paragraphs of this Bill, by which it may more easily appear, whether it ought to be rejected or approved.—It cannot indeed be proposed, that any of the clauses shall be amended in this committee; for the claims of the Commons, and the obstinacy with which they have always adhered to them, on whatever they are founded, is well known. I am old enough to remember the animosities which have arisen between the two Houses from attempts to adjust this part of their pretensions; animosities which at this time may be not only dangerous to ourselves, but fatal to a great part of mankind, and which it ought therefore to be our utmost care not to excite.

The Earl of *Aylesford*:

My lords; though the consideration of the distinct paragraphs of the Bill be, as the noble lord has very justly observed, the proper business of the committee; yet since, as he has likewise observed, the present state of our affairs requires unusual expedition, I think we may very properly spare ourselves the trouble of considering paragraphs which we cannot amend, and which are in themselves so clear and so obvious, that they may be understood in their full extent upon a cursory perusal.—But, my lords, though I think it not proper to follow our usual method of considering the paragraphs distinctly, which can only drive the Bill forward towards the third reading, as it has already been forced into the committee; yet I think it not necessary to irritate the other House,

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alarm our allies, or encourage our enemies, by rejecting that Bill by which it is intended that the supplies shall be raised. There is an easy and moderate method by which the same end may be attained without any disturbance of the public, any impediment of the schemes of the government, or any just offence to the Commons. Instead of passing or rejecting this Bill, of which the first is absolutely criminal, and the second perhaps improper, let us only delay it, by which we shall give the Commons time to reflect upon it, to re-examine it, and discover, what they perhaps have not hitherto suspected, its destructive tendency. Nor can it be doubted, but the observations which will arise from the necessity of enquiring into the reasons of our conduct, will soon induce them to form another Bill not liable to the same objections; I therefore second the noble lord's motion to resume the House.

The Earl of *Ilay:*

My lords; if we consider the pretensions of the Commons, and the stubbornness with which they have hitherto adhered to them, we shall easily find the impropriety of the noble lord's motion, and foresee the inefficacy of the methods which he so warmly recommends. The alarm which he supposes us to give the Commons by postponing the Bill before us, the observations which they will make upon our conduct, the new informations which they will receive, and the new Bill which they will send, are merely imaginary. They will not consider themselves as concerned in the delay or expedition of our procedure, but will suppose us to act upon our own reasons, which it is not necessary for them to examine, and will by no means send another Bill for supplies, till they are informed that this is rejected. Thus, my lords, we shall only retard the supplies, without altering, or being able to alter, the method of raising them; and at last pass that Bill, without examination, which we now neglect to examine, lest we should pass it; or perhaps irritate the Commons by the novelty of our conduct, which, if they should resolve to consider it, they will probably consider only to censure.

The Earl of *Aylesford:*

My lords; I am no stranger to the claims of the Commons to the sole and independent right of forming Money-Bills, nor to the heat with which that claim has been asserted, or the firmness with which it has always been maintained in late parliaments. Nor am I ignorant, that by contesting this claim, we have sometimes excited disputes which nothing but a prorogation of parliament could appease. I know, my lords, and allow, that by acting in any unusual manner with regard to Bills of this kind, we may excite the resentment of the Commons, and that some interruption of the public business may, for want of candour and moderation, possibly ensue. But, my lords, I cannot think the possibility of an ill consequence an argument sufficient to show the unreasonableness of my proposal; for the inconveniences that may arise from postponing the Bill are only possible, but the calamities that we shall bring upon our country by passing it are certain.

But we are likewise to consider, my lords, that these events, of which it can only be said that they may happen, may also not happen. When I reflect, that the House of Commons is an assembly of reasonable beings, that it is filled by the representatives of the British people, by men who will share the calamities of the public, and whose interest it is equally with ours to prevent the destruction of our commerce, the decay of our manufactures, the corruption of the present age, and the ruin of posterity, I cannot but hope that they will apply themselves to a candid review of the Bill which they have sent, and without heat, jealousy, or disputes, explain it as they may do by another, which will be no deviation from the rules which they have established for themselves, and by which they may secure the happiness of their country without receding from their own pretensions.

The Duke of *Bedford:*

My lords; the proposal made by the noble lord appears to me so prudent and equitable, so moderate and so seasonable, and in my opinion, suggests so easy a method of reconciling the pretensions of the Commons with the necessity of amending the Bill, that I cannot but think it worthy of the unanimous approbation of your lordships. I am very far from conceiving the Commons to be an assembly of men deaf to reason, or imagining them so void of all regard for the happiness of the public, as that they will sacrifice it to an obstinate adherence to claims which they cannot but know to be in themselves disputable, and of which they must, at least, allow that they are



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only so far just as they contribute to the great end of government, the general good. But lest they should by any perverse and unseasonable obstinacy attend more to the preservation of their own power, than to the promotion of the happiness of their constituents, a method is now proposed, by which the errors of this Bill may be corrected, without any concession of either House. The Commons may easily be informed of the dangers which are justly dreaded from this Bill; and may therefore prepare another, by which a tax of the same kind may be laid, without a general licence of drunkenness; or if a method of laying a duty upon these liquors, which may at once hinder their excessive use, and increase the revenue of the government, cannot be discovered, they may raise the supplies for the year by some other scheme.

Lord *Carteret:*

My lords; as the expedient proposed by these noble lords, however it may be recommended, as being at once moderate and efficacious, has in reality no other tendency than to procure an absolute rejection of this Bill, it is proper to consider the consequences which may be reasonably expected from the measures which they have hitherto proposed. In order to the effectual restraint of the common people from the use of these pernicious liquors, they assert the necessity of imposing a very large duty to be paid by the distiller, which might indeed produce in some degree the effect which they expect from it, but would produce it by giving rise to innumerable frauds and inconveniences. The immediate consequence of a heavy duty would be the ruin of our distillery, which is now a very extensive and profitable trade, in which great multitudes are employed, who must instantly, upon the cessation of it, sink into poverty. Our stills, my lords, not only supply our natives with liquors which they used formerly to purchase from foreign countries, and therefore increase, or at least preserve the wealth of our country; but they likewise furnish large quantities for exportation to Guernsey, Jersey, and other places. But no sooner will the duty proposed to be laid upon this liquor take place, than all this trade will be at an end, and those who now follow it will be reduced to support themselves by other employments; and those countries in which our spirits are now drank, will be soon supplied from other nations with liquors at once cheaper and more pleasant.

It may be proposed as an expedient for the preservation of our foreign trade, that the duty shall be repaid upon exportation; but the event of this provision, my lords, will be, that great quantities will be sent to sea for the sake of obtaining a re-payment of the duty, which, instead of being sold to foreigners, will be privately landed again upon our own coasts. Thus, my lords, will the duty be collected, and afterwards repaid; and the government will suffer the odium of imposing a severe tax, and incur the expence of employing a great number of officers, without any advantage to the public. Spirits will, in many parts of the kingdom, be very little dearer than at present, and drunkenness and debauchery will still prevail.

That these arts, and a thousand others, will be practised by the people to obtain this infatuating liquor, cannot be doubted. It cannot be imagined that they will forbear frauds, who have had recourse to violence, or that those will not endeavour to elude the government, who have already defied it.—Every rigorous law will be either secretly evaded, or openly violated; every severe restraint will be shaken off either by artifice or vice; nor can this vice, however dangerous or prevalent, be corrected but by slow degrees, by straitening the reins of government imperceptibly, and by superadding a second slight restraint, after the nation has been for some time habituated to the first. That the government proceeds by these easy and gentle methods of reformation, ought not to be imputed to negligence, but necessity; for so far has the government been from any connivance at this vice, that an armed force was necessary to support the laws which were made to restrain it, and secure the chief persons of the state from the insults of the populace, whom they had only provoked by denying them this pernicious liquor.

Since therefore, my lords, all opposition to this predominant inclination has appeared without effect, since the government evidently wants power to conquer the united and incessant struggles for the liberty of drunkenness, what remains but that this vice should produce some advantage to the public, in return for the innumerable evils which arise from it, and that the government should snatch the first opportunity of taxing that vice which cannot be reformed? This duty arises, in-

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deed, from a concurrence of different causes, of just designs in the government, and of bad inclinations in the people. The tax is just, and well meant; but it can be made sufficient to support the expences to which it is appropriated, only by the resolution of the populace to continue in some degree their usual luxury.

I am far, my lords, from thinking this method of raising money eligible for its own sake, or justifiable by any other plea than that of necessity. If it were possible at once to extinguish the thirst of spirits, no man who had any regard for virtue, or for happiness, would propose to augment the revenue by a tax upon them. But, my lords, rigour has been already tried, and found to be vain; it has been found equally fruitless to forbid the people to use spirits, as to forbid a man in a dropsy to drink. The force of appetite long indulged, and by indulgence made superior to the controul of reason, is not to be overcome at once; it cannot be subdued by a single effort, but may be weakened; new habits of a more innocent kind may in time be superinduced, and one desire may counterbalance another.

We must endeavour, my lords, by just degrees, to withdraw their affections from this pernicious enjoyment, by making the attainment of it every year somewhat more difficult: but we must not quicken their wishes, and exasperate their resentment, by depriving them at once of their whole felicity. By this method, my lords, I doubt not but we shall obtain what we have hitherto endeavoured with so little success; and I believe that though, in open defiance of a severe law, spirits are now sold in every street of this city, a gentle restraint will, in a short time, divert the minds of the people to other entertainments, and the vice of drinking spirits will be forgotten among us.

Lord *Hervey:*

My lords; though I have always considered this Bill as at once wicked and absurd, I imagined till now that the projectors of it would have been able to have argued at least speciously, though not solidly, in defence of it; nor did I imagine it to have been wholly indefensible, till I discovered how little the extensive knowledge, the long experience, and the penetrating foresight of the noble lord who spoke last, enabled him to produce in vindication of it. His lordship's argument is reducible to this single assertion, that the drinking distilled liquors cannot be prevented; and from thence he drew this inference, that since it is a point of wisdom to turn misfortunes to advantage, we ought to contrive methods by which the debauchery of the people may enrich the government.

Though we should suppose the assertion true in any sense below that of absolute physical impossibility, the inference is by no means just; since it is the duty of governors to struggle against vice, and promote virtue with incessant assiduity, notwithstanding the difficulties that may for a time hinder the wisest and most rigorous measures from success. That governor who desists from his endeavours of reformation, because they have been once baffled, in reality abandons his station and deserts his charge, nor deserves any other character than that of laziness, negligence, or cowardice.

The preservation of virtue where it subsists, and the recovery of it where it is lost, are the only valuable purposes of government. Laws which do not promote these ends are useless, and those that obviate them are pernicious. The government that takes advantage of wicked inclinations, by accident predominant in the people, and, for any temporary convenience, instead of leading them back to virtue, plunges them deeper into vice, is no longer a sacred institution, because it is no longer a benefit to society. It is from that time a system of wickedness, in which bad ends are promoted by bad means, and one crime operates in subordination to another.

But, my lords, it is not necessary to show the unreasonableness of the inference, because the assertion from which it is deduced cannot be proved. That the excessive use of distilled liquors cannot be prevented, is a very daring paradox, not only contrary to the experience of all past times, but of the present; for the law which is now to be repealed, did in a great degree produce the effects desired from it, till the execution of it was suspended, not by the inability of the magistrates, or obstinacy of the people, but by the artifice of ministers, who promoted the sale of spirits secretly, for the same reason which incites our present more daring politicians to establish the use of them by a law. The defects of this law, for that it was defective cannot be denied, were in the manner of levying the duty; for had half the duty that was demanded from the

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unlicenced retailers, been required from the distiller, there had been no need of informations; nor had we been stunned with the dismal accounts of the rage and cruelty of the people, or the violent deaths of those who endeavoured to grow rich by commencing prosecutions. The duty had been regularly paid, the liquors had been made too dear for common use, and the name of spirits had been in a short time forgotten amongst us. From this defect, my lords, arose all the difficulties and inconveniences that have impeded the execution of the law, and prevented the effects that were expected from it, and by one amendment they might be all removed.

But instead of endeavouring to improve the efficacy of the remedy which was before proposed for this universal malady, we are now told, that it was too forcible to take effect, and that it only failed by the vigour of its operation. We are informed, that the work of reformation ought not to be dispatched with too much expedition, that mankind cannot possibly be made virtuous at once, and that they must be drawn off from their habits by just degrees, without the violence of a sudden change. What degrees the noble lord proposes to recommend, or what advantage he expects from allowing the people a longer time to confirm their habits, I am not able to discover. He appears to me rather to propose an experiment than a law, and rather to intend the improvement of policy, than the safety of the people.

This experiment is, indeed, of a very daring kind, in which not only the money but the lives of the people are hazarded: their money has, indeed, in all ages, been subject to the caprices of statesmen, but their lives ought to be exempt from such dangerous practices, because, when once lost, they can never be recovered. By this Bill, however, it is contrived to lay poison in the way of the people, poison which we know will be eagerly devoured by a fourth part of the nation, and will prove fatal to a great number of those that taste it; nor of this project is any defence made, but that, since the people love to swallow poison, it may be of advantage to the government to sell it. It might not be improper, my lords, to publish to the people by a formal proclamation, the benevolent intentions of their governors; and inform them, that licenced murderers are to be appointed, at whose shops they may infallibly be destroyed, without any danger of legal censures, provided they take care to use the poison prescribed by the government, and increase by their death the public revenue.

That money only is desired from this Bill, is not only obvious from the first perusal of it, but confessed even by those who defend it; but not one has continued to assert, that it will produce a reformation of manners, or recommended it otherwise than as an experiment. For this reason, my lords, I still think my motion for postponing the Bill very reasonable, nor do I make any scruple to confess that I propose by postponing, only a more gentle and inoffensive method of dropping it, that some other way of raising the supplies may be attempted, or that the duty may be raised to three shillings a gallon; the lowest tax that can be laid with a design of reformation. This method, my lords, or any other by which another Bill may be procured, should be pursued; for whatever schemes the Commons may substitute, the nation can suffer nothing by the change: they cannot raise money in any other manner, but with less injury to the public; since the greatest calamity which wrong measures can possibly produce, is the propagation of wickedness, and the establishment of debauchery.

The Earl of *Bath*:

My lords; that this Bill is, with great propriety, called an experiment, I am ready to allow, but do not think the justness of that expression any forcible argument against it; because I know not any law that can be proposed for the same end, without equally deserving the same appellation.

All the schemes of government, my lords, have been perfected by slow degrees, and the defects of every regulation supplied by the wisdom of successive generations. No man has yet been found, whose discernment, however penetrating, has enabled him to discover all the consequences of a new law, nor to perceive all the fallacies that it includes, or all the inconveniences that it may produce: the first essay of a new regulation is, therefore, only an experiment made, in some degree, at random; and to be rectified by subsequent observations, in making which, the most prudent conduct is only to take care that it may produce no ill consequences of great importance, before there may be an opportunity of reviewing it,

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This maxim, my lords, is, in my opinion, strictly regarded in the present attempt, which in itself is an affair of very great perplexity. The health and virtue of the people are to be regarded on one part, and the continuance of a very gainful and extensive manufacture on the other; a manufacture, by which only, or chiefly, the produce of our own nation is employed; and on which, therefore, the value of lands must very much depend.

Manufactures of this kind, my lords, ought never to be violently or suddenly suppressed. If they are pernicious to the nation in general, they are, at least, useful to a very great part, and to some, who have no other employment, necessary; and in the design of putting a stop to any detrimental trade, care is always to be taken that the inconvenience exceed not the benefit, and time be allowed for those that are engaged in it to withdraw to some other business, and for the commodities that are consumed by it, to be introduced at some other market, or directed to some other use. These cautions are in this Bill very judiciously observed. The trade, which all allow to administer supplies to debauchery, and fuel to diseases, will, by the provisions in this Bill, sink away by degrees, and the health and virtue of the people will be preserved or restored without murmurs or commotions.

We must consider, likewise, my lords, the necessity of raising supplies, and the success with which they have hitherto been raised upon the scheme which is now under your consideration. In examining the necessity of procuring supplies, I shall not expatiate upon the present danger of the liberties of all this part of the world; upon the distress of the House of Austria, the necessity of preserving the balance of power, or the apparent designs of the ancient and incessant disturbers of mankind, topics which have been on former occasions sufficiently explained. It is now only necessary to observe, that the state of our affairs requires expedition, and that a happy peace can only be expected from a successful war, and that war can only be made successful by vigour and dispatch.

If by liberal grants of money, and ready concurrence in all necessary measures, we enable his majesty to raise a powerful army, there is no reason to doubt that a single campaign may procure peace, that it may establish the liberties of Europe, and raise our allies who were so lately distressed, to their former greatness.

These supplies, my lords, which are so evidently necessary, may by the method now proposed, be easily, speedily, and cheaply raised. Upon the security which this act will afford, large sums are already offered to the government at the low interest of three for a hundred, by those who, if the conditions of the loan are changed, will perhaps demand four in a few days, or raise money by a combination to the rate of five or six for a hundred; of which I would not remark how much it will embarrass the public measures, or how much it will encourage our enemies to an obstinate resistance.

Such, my lords, are the inconveniences to be feared from rejecting this Bill, or from postponing it; by which is plainly intended only a more gentle and tender manner of rejecting it, by hinting to the Commons your disapprobation of it, and the necessity of sending up another, which you cannot do without hazarding the peace of the nation and the fate of the war.

The Commons, who are not obliged to enquire what reception their Bills find here, may perhaps not immediately prepare another, but suffer time to elapse, till necessity shall oblige us to comply with those measures which we cannot approve. They may likewise, by a kind of parliamentary craft, elude all our precautions, and make the rejection of the Bill ineffectual, as was once done, when a Bill for a tax upon leather was rejected; the Commons, determining not to be directed in the methods of raising money, sent up the same Bill with only a small alteration of the title, to lay a duty upon tanned hides, which the Lords were, for want of time, obliged to pass.

But, my lords, should the other House discover in this single instance, any uncommon degree of flexibility and complaisance, should they patiently endure the rejection of the Bill, admit the validity of the reasons upon which your lordships have proceeded, and willingly engage in drawing up a new scheme for raising supplies; even upon this supposition, which is more favourable than can reasonably be formed, the business of the year will be very much perplexed, and the new Bill hurried into a law without sufficient caution or deliberation.

The session is now, my lords, so far advanced, that many of the Commons have retired into the country, whose advice and assistance may be necessary in the projection of a new Money Bill, so that the new

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Bill must be formed in a short time, and thin House; and, indeed, the multiplicity of considerations necessary to another Bill of this kind, is such, that I cannot think it prudent to advise or undertake it.

The committee on ways and means must strike out another scheme for a considerable impost, which, in the present state of the nation, is in itself no easy task. This scheme must be so adjusted as to be consistent with all the other taxes, which will require long consultations and accurate enquiries. It must then struggle, perhaps, through an obstinate and artful opposition, before it can pass through the forms of the other House; and, when it comes before your lordships, may be again opposed with no less zeal than the Bill before us, and perhaps likewise with equal reason. All these dangers and difficulties will be avoided by trying, for a single year, the experiment which is now proposed; and which, if that should fail, may be better adjusted in the time of leisure, which the beginning of the next session will undoubtedly afford; before which time I am afraid no amendment can possibly be made.

It has been proposed, indeed, by the noble lord, that three shillings should be laid upon every gallon of distilled liquors, which would undoubtedly lessen the consumption, but would at the same time destroy the trade; a trade from which large profits may be in time gained; since our distillers have now acquired such skill, that the most delicate palate cannot distinguish their liquors from those which foreigners import. If the duty be raised to the height proposed, it must be allowed to be re-paid for all that shall be exported; otherwise foreign nations will deprive us of this part of our trade; and it has been already shown, that by mock exportations the duty may be frequently evaded. Thus, my lords, there will be difficulties on either hand; if a duty so high be paid, the manufacturer will be ruined: if it be evaded, the consumption will be lessened.

One inconvenience will easily be discovered to be the necessary consequence of any considerable advance of the price. We may be certain that an act of parliament will not moderate the passions, or alter the appetites of the people; and that they will not be less desirous of their usual gratifications, because they are denied them. The poor may, indeed, yield to necessity, unless they find themselves able to resist the law, or to evade it; but those who can afford to please their taste, or exalt their spirits at a greater expence, will still riot as before, but with this difference, that their excesses will produce no advantage to the public. If an additional duty of three shillings be laid upon every gallon of distilled liquors, the product of our own distillery will be dearer than those liquors which are imported from foreign parts; and, therefore, it cannot but be expected that the money which now circulates amongst us, will in a short time be clandestinely carried into other countries.

Such, my lords, will be the effect of those taxes which are so strongly recommended; and, therefore, they ought not to be imposed, till all other methods of proceeding have been found ineffectual. It is possible, indeed, that the regulation specified in this Bill, may not produce any beneficial effect, and that the present practice of debauchery may still continue among the people; but it is likewise possible that this tax may, by increasing the price, augment the revenue at the same time that it lessens the consumption.

This proposal has by some lords been treated as a paradox; but they certainly suspected it of falshood, only for want of patience to form the calculations necessary in such disquisitions. The tax of the last year amounted to 170,000*l.*; this tax is now doubled, so that the same quantity will produce 340,000*l.*; but if one third less should be consumed, the present tax will amount to no more than 220,000*l.*; and when 50,000 licences are added, the revenue will gain 100,000*l.* though one third part of the consumption should be hindered.

But, my lords, supposing no part of the consumption hindered, I cannot think that Bill should be rejected, which, in a time of danger like the present, shall add to the public revenue an annual income of more than 200,000*l.*, without lessening any manufacture, without burthening any useful or virtuous part of the nation, and without giving the least occasion to any murmurs among the people.

It is to be remembered, my lords, that whatever corruption shall prevail amongst us, it cannot be imputed to this Bill, which did not make, but find the nation vitiated, and only turned their vices to public advantage; so that if it produces any diminution of the sale of spirits, it is indisputably to be applauded as promoting virtue. If the sale of spirits still continues the same, it will deserve some degree of commendation, as it will, at least, not contribute to

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the increase of vice, and as it will augment the revenue without injuring the people: for how, my lords, can we be censured for only suffering the nation to continue in its former state?

Lord *Talbot:*

My lords; if we consider the tendency of the argument used by the noble lord, the only argument on which he appears to lay any stress, it will prove, if it proves any thing, what cannot be admitted by your lordships, without bidding farewell to independency, and acknowledging that you are only the substitutes of a higher power. It appears by the tenor of his reasoning, that he considers this House as only obliged, in questions relating to supplies, to ratify the determinations of the other; to submit implicitly to their dictates, and receive their sovereign commands, without daring either to refuse compliance, or delay it.

If we conjoin the reasoning of the noble lord who spoke last, with that of one who spoke before in favour of the Bill, we shall be able to discover the full extent of our power on these occasions; the first was pleased to inform us, that though we were at liberty to examine the paragraphs of this Bill, we had no right, at least no power, to amend them; because in Money Bills, the Commons left us no other choice than that of passing or rejecting them. This, my lords, might have been thought a sufficient contraction of those privileges which your ancestors transmitted to you, and the Commons needed to have desired no farther concessions from this House, since this was a public confession of a subordinate state, and admitted either that part of our ancient rights had been given up, or that we were at present too much depressed to dare to assert them.

We might, however, still comfort ourselves with the peaceful and uncontested possession of the alternative; we might still believe that what we could not approve we might reject, without irritating the formidable Commons. But now, my lords, a new doctrine has been vented among us; we are told not only that we must not amend a Money-Bill, but that it will be to no purpose to reject it; for that the other House will send it again without altering any thing but the title, and force it upon us, when there is no time for any other expedient.

If this, my lords, should be done, I know not how the Bill might, at its second appearance, be received by other lords; for my part, I should vote immediately for rejecting it, without any alleviating or mollifying expedients. I should reject it, my lords, even on the last day of the session, without any regard to the pretended necessity of raising supplies, and without suffering myself to be terrified into compliance by the danger of the House of Austria; for though I think the balance of power on the continent necessary to be preserved at the hazard of a fleet or an army, I cannot think it of equal importance to us, with the equipoise of our own government; nor can I conceive it my duty to enslave myself to secure the freedom of another. The danger, therefore, of disgusting the Commons, at this or any other juncture, shall never influence me to a tame resignation of the privileges of our own House; nor shall I willingly allow any force to arguments which are intended only to operate upon our fear: and therefore, unless there shall appear some better plea in favour of this Bill, I shall think it my duty to oppose it.

The other plea is the difficulty, or, in the style of the noble lord who spoke last, the impossibility, of raising supplies by any other method. That it is not easy to raise supplies by any new tax in a nation, where almost all the necessaries of life are loaded with imposts, must be readily allowed; but that it is impossible, the folly of the people, which is at least equal to their poverty, will not suffer me to grant.

One other expedient, at least, has been already discovered by the wonderful sagacity of our new ministers; an expedient which they cannot, indeed, claim the honour of inventing, but which appears so conformable to the rest of their conduct, and so agreeable to their principles, that I doubt not but they will very often practise it, if the continuance of their power be long enough to admit of a full display of their abilities.

Amidst their tenderness for our manufactures, and their regard for commerce, they have established a lottery for 800,000*l.* by which they not only take advantage of an inclination too predominant, an inclination to grow rich rather by a lucky hazard, than successful industry; but give up the people a prey to stock-jobbers, usurers, and brokers of tickets, who will plunder them without mercy, by the encouragement of those by whom it might be hoped, that they would be protected from plunderers.

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All lotteries, my lords, are games which are not more honest or more useful for being legal; and the objection which has been made to all other games, and which has never yet been answered, will be found equally valid when applied to them. They engross that attention which might be employed in improving or extending our manufactures; they swallow that money which might circulate in useful trade; they give the idle and the diligent an equal prospect of riches; and by conferring unexpected wealth upon those who never deserved it, and know not how to use it, they promote extravagance and luxury, insolence and dissoluteness.

But these consequences, my lords, and a thousand others equally important, equally formidable, may be objected without effect, against any scheme by which money will be raised; money! the only end at which our ministers have aimed for almost half a century; money! by which only they have preserved the favour of the court, and the obedience of parliament; money! which has supplied the place of wisdom at one time, and of courage at another. To gain money, my lords, they have injured trade by establishing a lottery; and they are now about to sacrifice the health and virtue of the people, to the preservation of a trade by which money may be furnished to the government. This, my lords, is their only design, however they may act, or whatever they may profess: if they endeavour to protect either the trade or lives of people, it is only because they expect a continuance of taxes from them; and when more desperate measures are necessary for the same purposes, they ruin their trade by one project, and destroy their lives by another.

Lord *Lonsdale*:

My lords; it is not without the utmost grief and indignation, that I find this House considered by some who have spoken in vindication of this Bill, as obliged to comply with any proposals sent up by the Commons for raising money, however destructive to the public, or however contrary to the dictates of our conscience, or convictions of our reason. What is this, my lords, but once more to vote ourselves useless? What but to be the first that shall destroy the constitution of the government, and give up that liberty which our ancestors established? That this is really the design of any of the noble lords, who have spoken in vindication of the Bill, and have asserted the necessity of passing it, without any attempts to amend it, I am very far from affirming; but, certainly, my lords, this, and this only, is the consequence of their positions, with whatever intention they may have advanced them: for how, my lords, can we call ourselves independent, if we are to receive the commands of the other House? or with what propriety can we assume the title of legislators, if we are to pass a Bill like this without examination?

The Bill now before us, my lords, is of the utmost importance to the happiness of that nation whose welfare we have hitherto been imagined to superintend. In this Bill are involved not only the trade and riches, but the lives and morals of the British people; nor can we suffer it to pass unexamined, without betraying the nation to wickedness and destruction.

Should we, on this occasion, suffer ourselves to be degraded from legislators to messengers from the Commons to the throne; should we be content only to transmit the laws which we ought to amend, and resign ourselves up implicitly to the wisdom of those whom we have formerly considered as our inferiors, I know not for what purpose we sit here. It would be my counsel that we should no longer attempt to preserve the appearance of power, when we have lost the substance, or submit to share the drudgery of government, without partaking of the authority. The time of such desperation is, indeed, not yet arrived; but every act of servile compliance will bring it nearer: and therefore, my lords, for the sake of ourselves, as well as of the people, I join the noble lord's motion for resuming the House, that farther information may be obtained both by ourselves, by the Commons, and by the nation.

The Duke of *Newcastle*:

My lords; I believe no lord in this House is more zealous for the advantage of the public than myself, or more desirous to preserve the lives, or amend the morals, of the people; but I cannot think that this character can justly imply any dislike of the Bill now before us. If I should admit what the noble lord has asserted, that the lives and morals of the people are affected by this Bill, I cannot yet see that his inference is just, or that our compliance with the motion is therefore necessary. That under the present regulation, the miseries of the nation are every day in-



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creased; that corruption spreads every day wider, and debauchery makes greater havoc, is confessed on all sides; and therefore I can discover no reason for continuing the laws in their present state, nor can think that we ought to decline any experiment by which that disorder, which cannot be increased, may possibly be lessened.

It is confessed by the noble lords, who declare their approbation of the motion for postponing the consideration of this Bill, that they intend nothing less than a gentle and tacit manner of dropping it, by showing the Commons that, though to avoid offence they do not absolutely reject it, yet they cannot approve it, and will not pass it; and that therefore the necessity of raising supplies, requires that another Bill should be formed, not liable to the same objections.

The consequence of this procedure, my lords, can only be, that either the Commons will form another Bill for raising money, or that they will send up this again with a new title, and such slight alterations as not the happiness of the nation, but the forms of the parliament, demand.

If, in return for our endeavours to reform a Bill, of which they think themselves the only constitutional judges, they should send it again with only another title; what, my lords, shall we procure by the delay, but a new occasion of murmurs and discontent, a new confirmation of the power of the Commons, and an establishment of parliamentary chicanery, at once pernicious to the public, and ignominious to ourselves?

That the Commons, in sending back a Bill that has been rejected in this House, with only a change in the title, act contrary to the end of parliamentary consultations, though consistently with their external forms, cannot be denied: but as each House is without any dependence on the other, such deviations from the principles of our constitution, however injurious to our authority, or however detrimental to the nation, cannot be punished, nor otherwise prevented than by caution and prudence.

If, therefore, the Commons, as they have formerly done, should return the Bill without alteration, we shall only have impaired our own authority, and shaken the foundations of our government, by a fruitless opposition. Nor shall we gain any advantage, though they should comply with our expectations, and employ the little time that remains in contriving a new tax; for corruption must then proceed without opposition, the people must grow every day more vicious, and debauchery will, in a short time, grow too general to be suppressed.

With regard to the Bill before us, the only question that is necessary or proper is, whether it will promote or hinder the consumption of distilled liquors? for as to the effects of those liquors, those that vindicate, and that oppose this Bill, are of the same opinion; and all will readily allow, that if the law now proposed shall be found to increase the consumption which it was intended to diminish, it ought immediately to be repealed, as destructive to the people, and contrary to the end for which it was designed; but if the additional duties shall produce any degree of restraint, if they shall hinder the consumption even of a very small part, I think it must be allowed that the provisions are just and useful; since it has already appeared, that this vice is too deeply rooted to be torn up at once; and that therefore it is to be pruned away by imperceptible diminution.

Whether the provisions now offered in the Bill might not admit of improvements; whether some other more efficacious expedients might not be discovered; and whether the duties might not be raised yet higher, with more advantage to the public, may undoubtedly admit of long disputes, and deep enquiries; but for these enquiries and disputes, my lords, there is at present no time: the affairs of the continent require our immediate interposition, the general oppressors of the western world are now endeavouring to extend their dominions, and exalt their power beyond the possibility of future opposition; and our allies, who were struggling against them, can no longer continue their efforts without assistance.

At a time like this, my lords, it is not proper to delay the supplies by needless controversies; or, indeed, by any disputes which may, without great inconvenience, be delayed to a time of tranquillity, a time when all our enquiries may be prosecuted at leisure, when every argument may be considered in its full extent, and when the improvement of our laws ought, indeed, to be our principal care. At present it appears to me, that every method of raising money, without manifest injury to the morals of the people, deserves our appro-



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bation; and therefore that we ought to pass this Bill, though it should not much hinder the consumption of spirituous liquors, if it shall barely appear that it will not increase it.

It is at least proper, that, at this pressing exigence, those that oppose the Bills by which supplies are to be raised, should, by offering other expedients, show that their opposition proceeds not from any private malevolence to the ministry, or any prepossession against the public measures, but from a steady adherence to just principles, and an impartial regard for the public good; for it may be suspected, that he who only busies himself in pulling down, without any attempts to repair the breaches that he has made with more fit or durable materials, has no real design of strengthening the fortification.

It has been proposed, indeed, by one of the noble lords, that a tax of three shillings a gallon should be laid upon all distilled spirits, and collected by the laws of excise at the still-head, which would doubtless secure a great part of the people from the temptations to which they are at present exposed, but would at the same time produce another effect not equally to be desired.

I have been informed, my lords, upon mentioning this proposal in conversation, that such duties will raise the price of the liquors distilled among us, above that of foreign countries; and that therefore not only all our foreign trade of this kind would be immediately destroyed, but that many of those who now drink our own spirits, only because they are cheaper, will then purchase those of foreign countries, which are generally allowed to be more pleasant. That this is really the state of the affair, I do not affirm; for I now relate only what I have heard from others; but surely the imposition of so heavy a duty requires a long consideration; nor can it be improper to mention any objections, the discussion of which may contribute to our information.

But any other regulations than those now offered, will require so many enquiries, and so long consultation, that parliament will expect to be dismissed from their attendance, before any resolutions are formed; and when once the supplies are provided, we shall find ourselves obliged to leave the law relating to spirituous liquors in its present state.

Then, my lords, will the enemies of the government imagine that they have a new opportunity of gratifying their malignity, by censuring us as wholly negligent of the public happiness, and charge us with looking without concern upon the debauchery, the diseases, and the poverty of the people, without any compassion of their wants, or care of their reformation.

That to continue the present law any longer, will be only to amuse ourselves with ineffectual provisions, is universally allowed; nor is there any difference of opinion with regard to the present state of the vice which we are now endeavouring to hinder. The last law was well intended, but was dictated by anger, and ratified by zeal; and therefore was too violent to be executed, and, instead of reforming, exasperated the nation.

No sooner, therefore, did the magistrates discover the inflexible resolution of the people, their furious persecution of informers, and their declared hatred of all those who concurred in depriving them of this dangerous pleasure, than they were induced, by regard to their own safety, to relax that severity which was enjoined, and were contented to purchase safety by gratifying, or at least, by not opposing those passions of the multitude, which they could not hope to controul; the practice of drinking spirits continued, and the consumption was every year greater than the former.

This, my lords, is the present state of the nation; a state sufficiently deplorable, and which all the laws of humanity and justice command us to alter. This is the universal declaration. We all agree, that the people grow every day more corrupt, and that this corruption ought to be stopped; but by what means, is yet undecided. Violent methods, and extremity of rigour, have been already tried, and totally defeated; it is therefore proposed to try more easy and gentle regulations, that shall produce, by slow degrees, the reformation which cannot be effected by open force; these new regulations appear to many lords not sufficiently coercive, and are imagined still less likely to reform a vice so inveterate, and so firmly established.

These opinions I cannot flatter myself with the hope of reconciling; but must yet observe, that the consumption of these liquors, as of all other commodities, can only be lessened by proper duties, and that every additional imposition has a tendency to lessen them; and since, so far as it extends, it can produce no ill effects,

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deserves the approbation of those who sincerely desire to suppress this odious vice that has so much prevailed, and been so widely diffused.

It is, indeed, possible, that the duties now proposed may be found not sufficient; but for this defect there is an easy remedy. The duty, if it be found by the experience of a single year to be too small, may, in the next, be easily augmented, and swelled, by annual increases, even to the height which is now proposed, if no remedy more easy can be found.

It may be objected, that this fund will be mortgaged for the payment of the sums employed in the service of the war; and that therefore, the state of the duty cannot afterwards be altered without injustice to the public creditors, and a manifest violation of the faith of parliament: but, my lords, though in the hurry of providing for a pressing and important war, the Commons could not find any other method so easy of raising money, it cannot be doubted but that when they consider the state of the nation at leisure, they will easily redeem this tax, if it shall appear inconvenient, and substitute some other, less injurious to the happiness of the public.

It was not impossible for them to have done this in the beginning of this session; nor can it be supposed, that men so long versed in public affairs, could not easily have proposed many other imposts; but it may be imagined, that they chose this out of many, without suspecting that it would be opposed; and believed, that they were at once raising supplies, and protecting the virtue of the people.

Nor indeed, my lords, does it yet appear, that they have been mistaken; for though the arguments of the noble lords who oppose the Bill are acute and plausible, yet since they agree, that the consumption of these liquors is, at last, to be hindered by raising their price, it is reasonable to conceive, that every augmentation of the price must produce a proportionate diminution of the consumption; and that therefore this duty will contribute in some degree to the reformation of the people. It seems at least in the highest degree probable, that it cannot increase the evil which it is intended to remedy; and that therefore we may reasonably concur in it, as it will furnish the government with supplies, without any inconvenience to those that pay them.

The Earl of *Sandwich*:

My lords; this subject has already been so acutely considered, and so copiously discussed, that I rise up in despair of proposing any thing new, of explaining any argument more clearly, or urging it more forcibly, of starting any other subject of consideration, or pointing out any circumstance yet untouched in those that have been proposed. Yet, my lords, though I cannot hope to add any thing to the knowledge which your lordships have already obtained of the subject in debate, I think it my duty to add one voice to the truth, and to declare, that in the balance of my understanding, the arguments against the Bill very much outweigh those that have been offered in its favour.

It is always presumed by those who vindicate it, that every augmentation of the price will necessarily produce a proportionate decrease of the consumption. This, my lords, is the chief, if not the only argument that has been advanced, except that which is drawn from the necessity of raising supplies, and the danger of disgusting the other House. But this argument, my lords, is evidently fallacious; and therefore the Bill, if it passes, must pass without a single reason, except immediate convenience.

Let us examine, my lords, this potent argument, which has been successively urged by all who have endeavoured to vindicate the Bill, and echoed from one to another with all the confidence of irrefragability; let us consider on what suppositions it is founded, and we shall soon find how easily it will be dissipated.

It is supposed by this argument, that every drinker of these liquors spends as much as he can possibly procure; and that therefore the least additional price must place part of his pleasure beyond his reach. This, my lords, cannot be generally true; it is perhaps generally, if not universally, false. It cannot be doubted, but that many of those who corrupt their minds and bodies with these pernicious draughts, are above the necessity of constraining their appetites to escape so small an expence as that which is now to be imposed upon them; and even of those whose poverty can sink no lower, who are in reality exhausted by every day's debauch, it is at least as likely, that they will insist upon more pay for their work, or that they will steal with more rapacity, as that they will suffer themselves to be debarred from the pleasures of drunkenness.

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It is not certain, that this duty will make these liquors dearer to those who drink them; since the distiller will more willingly deduct from his present profit the small tax that is now proposed, than suffer the trade to sink; and even if that tax should be, as is usual, levied upon the retailer, it has been already observed, that in the quantities necessary to drunkenness, it will not be perceptible.

But, my lords, though this argument appears thus weak upon the first and slightest consideration, the chief fallacy is still behind. Those who have already initiated themselves in debauchery, deserve not the chief consideration of this House; they are for the greatest part hopeless and abandoned, and can only be withheld by force from complying with those desires to which they are habitually enslaved. They may indeed be sometimes punished, and at other times restrained, but cannot often be reformed.

Those, my lords, who are yet uncorrupted, ought first to engage our care; virtue is easily preserved, but difficultly regained. But for those what regard has hitherto been shown? What effects can be expected from this Bill, but that of exposing them to temptations, by placing unlawful pleasures in their view? pleasures which, however unworthy of human nature, are seldom forsaken after they have once been tasted.

In the consideration of the present question, it is to be remembered, that multitudes are already corrupted, and the contagion grows more dangerous, in proportion as greater numbers are infected. To stop the progress of this pestilence, my lords, ought to be the governing passion of our minds; to this point ought all our aims to be directed, and for this end ought all our projects to be calculated. But how, my lords, is this purpose promoted by a law which gives a licence, an unlimited and cheap licence, for the sale of that liquor, to which, even those who support the Bill, impute the present corruption of the people? This surely is no rational scheme of reformation, nor can it be imagined, that a favourite and inveterate vice is to be extirpated by such gentle methods.

Let us consider, my lords, more nearly the effects of this new-invented regulation, and we shall see, how we may expect from them the recovery of public virtue. A law is now to be repealed, by which the use of distilled liquors is prohibited, but which has not been for some time put in execution, or not with vigour sufficient to surmount the difficulties and inconveniencies by which its operation was obstructed. The law is however yet in force, and whoever sells spirits must now sell them at the hazard of prosecution and penalties, and with an implicit confidence in the kindness and fidelity of the purchaser.

It cannot be supposed, my lords, but that a law like this must have some effect. It cannot be doubted, that some are honest, and others timorous; and that among the wretches who are most to be suspected of this kind of debauchery, there are some in whom it is not safe to confide; they therefore must sometimes be hindered from destroying their reason by other restraints than want of money; and when they are trusted with the secret of an illegal trade, must pay a dearer rate for the danger that is incurred.

But when this law is repealed, and every street and alley has a shop licensed to distribute this delicious poison, what can we expect? The most sanguine advocate for the Bill cannot surely hope, that any of those who now drink spirits will refrain from them, only because they are sold without danger; and though what cannot be proved, or even hoped, should be admitted, that some must content themselves with a smaller quantity on account of the advanced price, yet while they take all opportunies of debauchery, while they spend, in this destructive liquor, all that either honest labour or daring theft will supply, they must always be examples of intemperance; such examples as, from the experience of late years, we have reason to believe will find many imitators; and therefore will promote at once the consumption of spirits, and the corruption of the people.

There is always to be found in wickedness a detestable ambition of gaining proselytes: every man who has suffered himself to be corrupted, is desirous to hide himself from infamy in crowds as vicious as himself, or desires companions in wickedness from the same natural inclination to society, which prompts almost every man to avoid singularity on other occasions.

Whatever be the reason, it may be every day observed, that the great pleasure of the vicious is to vitiate others; nor is it possible to squander an hour in the assemblies of debauchees of any rank, without observing with what importunity innocence is attacked, and how many arts

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of sophistry and ridicule are used to weaken the influence of virtue, and suppress the struggles of conscience.

The fatal art by which virtue is most commonly overborne is the frequent repetition of temptations, which, though often rejected, will at some unhappy moment generally prevail, and therefore ought to be removed; but which this Bill is intended to place always in sight.

To what purpose will it be, my lords, to deprive nine hardened profligates of a tenth part of the liquor which they now drink, which is the utmost that this duty will effect? If they have an opportunity of corrupting one by their solicitation and example, the difference between nine and ten acts of debauchery is of very small importance to mankind, or even to the persons who are thus restrained, since their forbearance of the utmost excesses is only the effect of their poverty, not of their virtue.

How far is such restraint from being equivalent to the corruption of one mind, yet pure and undebauched; to the seduction of one heart from virtue, and a new addition to the interest and prevalence of wickedness? If it be necessary, that the supplies should be raised for the government by the use of this pernicious liquor, it is desirable that it should be confined to few, and that it should rather be swallowed in large quantities by hopeless drunkards, than offered every where to the taste of innocence and youth, in licensed houses of wickedness.

The consumption will, for a time, be the same in both cases, but with this important difference, that wickedness would only be continued, not promoted; and as the poison would rid the land by degrees of the present race of profligates, it might be hoped, that our posterity would be uninfected.

But under the present scheme of regulations, my lords, vice will be propagated under the countenance of the legislature; and that kind of wickedness by which the nation is so infatuated, that it has increased yearly in opposition to a penal law, will now not only be suffered, but encouraged, and enjoy not impunity only, but protection.

Thus, if we pass the Bill, we shall not even be able to boast the petty merit of leaving the nation in its present state; we shall take away the present restraints of vice, without substituting any in their place; we shall perhaps deprive a few hardened drunkards of a small part of the liquor which they now swallow, but shall open, according to the expectation of the noble lord, 50,000 houses of licensed debauchery for the ruin of millions yet untainted.

To leave the nation in its present state, which is allowed on all hands to be a state of corruption, seems to be the utmost ambition of one of the noble lords who have pleaded with the greatest warmth for this Bill; for he concluded, with an air of triumph, by asking, how we can be censured for only suffering the nation to continue in its former state? We may be, in my opinion, my lords, censured as traitors to our trust, and enemies to our country, if we permit any vice to prevail, when it is in our power to suppress it. We may be cursed, with justice, by posterity, as the abettors of that debauchery by which poverty and disease shall be entailed upon them, contemned in the present as the flatterers of those appetites which we ought to regulate, and insulted by that populace whom we dare not oppose.

Had none of our predecessors endeavoured the reformation of the people, had they contented themselves always to leave the nation as they found it, there had been long ago an end of all the order and security of society; for the natural depravity of human nature has always a tendency from less to greater evil; and the same causes which had made us thus wicked, will, if not obviated, make us worse.

Since the noble lord thinks it not necessary to attempt the reformation of the people, he might have spared the elaborate calculation by which he has proved, that a large sum will be gained by the government, though one third part of the consumption be prevented; for it is of very little importance to discuss the consequences of an event which will never happen. He should first have proved, that a third part of the consumption will in reality be prevented, and then he might very properly have consoled the ministry, by showing how much they would gain from the residue.

That this Bill, as it now stands, will produce a large revenue to the government but no reformation in the people, is asserted by those that oppose, and undoubtedly believed by those that defend it; but as this is not the purpose which I am most desirous of promoting, I cannot but think it my duty to agree to the proposal of the noble lord, that by postponing

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the consideration of the Bill, more exact information may be obtained by us, and the Commons may be alarmed at the danger into which the nation has been brought by their precipitation.

The Earl of *Bath*:

My lords; as the noble lord who has just spoken appears to have misapprehended some of my assertions, I think it necessary to rise again, that I may explain with sufficient clearness what perhaps I before expressed obscurely, amidst the number of different considerations that crowded my imagination.

With regard to the diminution that might be expected from this law, I did not absolutely assert, at least I did not intend to assert, that a third part would be taken off; but only advanced that supposition as the basis of a calculation, by which I might prove what many lords appeared to doubt, that the consumption might possibly be diminished, and yet the revenue increased. Upon this supposition, which must be allowed to be reasonable, both the purposes of the Bill will be answered, and the public supplies will be raised by the suppression of vice.

The diminution of the consumption may be greater or less than I have supposed. If it be greater, the revenue will be indeed less augmented; but the purposes which, in the opinion of the noble lords who oppose the Bill, are more to be regarded, will be better promoted, and all their arguments against it will be at least defeated; nor will the ministry, I hope, regret the failure of a tax which is deficient only by the sobriety of the nation. If the diminution be less than I have supposed, yet if there be any diminution, it cannot be said, that the Bill has been wholly without effect, or that the ministry have not proceeded either with more judgment or better fortune than their predecessors, or that they have not, at least, taken advantage of the errors that have been committed. It must be owned, that they have either reformed the nation, or at least pointed out the way by which the reformation that has been so long desired, may be effected.

That this tax will in some degree hinder drunkenness, it is reasonable to expect, because it can only be hindered by taxing the liquors which are used in excess; but there yet remain, concerning the weight of the tax that ought to be laid upon them, doubts which nothing but experience can, I believe, remove. By experience, my lords, we have been already taught, that taxes may be so heavy as to be without effect; that restraint may be so violent as to produce impatience; and therefore it is proper in the next essay to proceed by slow degrees, and gentle methods, and produce that effect imperceptibly which we find ourselves unable to accomplish at once.

I cannot therefore think, that the duty of three shillings a gallon can be imposed without defeating our own design, and compelling the people to find out some method of eluding the law like that which was practised after the act by which, in the second year of his present majesty, five shillings were imposed upon every gallon of compound waters, after which it is well known, that the distillers sold a simple spirit under the contemptuous title of Parliament Brandy, and the law being universally evaded, was soon after repealed as useless.

Such, my lords, or worse, will be the consequence of the tax which the noble lord has proposed; for if it cannot be evaded, spirits will be brought from nations that have been wiser than to burthen their own commodities with such insupportable impost, and the empire will soon be impoverished by the exportation of its money.

Lord *Hervey*:

My lords; I am very far from thinking the arguments of the noble lord such as can influence men desirous to promote the real and durable happiness of their country; for he is solicitous only about the prosperity of the British manufactures, and the preservation of the British trade, but has shewn very little regard to British virtue. That part of his argument is therefore not necessary to be answered, if the suggestion upon which it is founded were true, since it will be sufficient to compare the advantage of the two schemes. And with regard to his insinuation, that parliament brandy may be revived by a high duty, I believe, first, that no such evasion can be contrived, and in the next place, am confident, that it may be defeated by burthening the new-invented liquor, whatever it be, if it be equally pernicious, with an equal tax. The path of our duty, my lords, is plain and easy, and only represented difficult by those who are inclined to deviate from it.

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Lord *Bathurst:*

My lords; whatever measures may be practised by the people for eluding the purposes of the Bill now before us, with whatever industry they may invent new kinds of Parliament Brandy, or by whatever artifices they may escape the diligence of the officers employed to collect a duty levied upon their vices and their pleasures, there is, at least, no danger, that they will purchase from the continent those liquors which we are endeavouring to withhold from them, or that this Bill will impoverish our country by promoting a trade contrary to its interest.

What would be the consequence of the duty of three shillings a gallon, proposed by the noble lord, it is easy to judge. What, my lords, can be expected from it, but that it will either oblige or encourage the venders of spirits to procure from other places what they can no longer buy for reasonable prices at home? and that those drunkards who cannot or will not suddenly change their customs, will purchase from abroad the pleasures which we withhold from them, and the wealth of the nation be daily diminished, but the virtue little increased? Thus, my lords, shall we at once destroy our own manufacture and promote that of our neighbours. Thus shall we enrich other governments by distressing our own, and instead of increasing sobriety, only encourage a more expensive and pernicious kind of debauchery.

In the Bill now under our consideration, a middle way is proposed, by which reformation may be introduced by those gradations which have always been found necessary when inveterate vices are to be encountered. In this Bill every necessary consideration appears to have been regarded, the health of the people will be preserved, and their virtue recovered, without destroying their trade or starving their manufacturers.

The efficacy of this Bill seems, indeed, to be allowed by some of the lords who oppose it, since their chief objection has arisen from their doubts whether it can be executed. If a law be useless in itself, it is of no importance whether it is executed or not; and therefore, I think, it may safely be inferred, that they who are solicitous how it may be enforced, are convinced of its usefulness.

If this, my lords, be the chief objection now remaining, a little consideration will easily remove it; for it is well known, that the only obstruction of the former law was the danger of information; but this law, my lords, is so contrived, that it will promote the execution of itself; for by setting licences at so low a price, their number will be multiplied, and every man who has taken a licence will think himself justified in informing against him that shall retail spirits without a legal right.

If, therefore, there should be, as a noble lord has very reasonably supposed, 50,000 licensed venders of these liquors, there will likewise be 50,000 informers against unlawful traders; and as the liquors may then always be had under sanction of the law, the populace will not interest themselves in that process which can have no tendency to obstruct their pleasure.

Thus, my lords, shall we, by agreeing to this Bill, make a law that will be at once useful to the government and beneficial to the people, which will be at once powerful in its effects and easy in its execution; and therefore, instead of attending any more to the wild and impracticable schemes of heavy taxes, rigorous punishments, sudden reformations, and violent restraints, I hope we shall unanimously approve this method, from which so much may be hoped, while nothing is hazarded.

The Earl of *Chesterfield:**

My lords; though the noble lord who has been pleased to incite us to an unanimous concurrence with himself and his associates of the ministry in passing this excellent and wonder-working Bill, this Bill which is to lessen the consumption of spirits, without lessening the quantity which is distilled, which is to restrain drunkards from drinking, by setting their favourite liquor always before their eyes, to conquer habits by continuing them, and correct vice by indulging it, according to the lowest reckoning, for at least another year; yet, my lords, such is my obstinacy, or such my ignorance, that I cannot yet comply with his proposal, nor can prevail with myself either to concur with measures so apparently opposite to the interest of the public, or to hear them vindicated, without declaring how little I approve them.

During the course of this long debate I have endeavoured to recapitulate and digest the arguments which have been advanced, and have considered them both

* In the Collection of Dr. Johnson's Debates, this Speech is erroneously attributed to lord Carteret.

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separate and conjoined; but find myself at the same distance from conviction as when I entered the House; nor do I imagine, that they can much affect any man who does not voluntarily assist them by strong prejudice.

In vindication of this Bill, my lords, we have been told, that the present law is ineffectual; that our manufacture is not to be destroyed, or not this year; that the security offered by the present Bill has induced great numbers to subscribe to the new fund; that it has been approved by the Commons; and that, if it be found ineffectual, it may be amended another session.

All these arguments, my lords, I shall endeavour to examine, because I am always desirous of gratifying those great men to whom the administration of affairs is entrusted, and have always very cautiously avoided the odium of disaffection which they will undoubtedly throw, in imitation of their predecessors, upon all those whose wayward consciences shall oblige them to hinder the execution of their schemes.

With a very strong desire, therefore, though with no great hopes, of finding them in the right, I venture to begin my enquiry, and engage in the examination of their first assertion, that the present law against the abuse of strong liquors is without effect. I hope, my lords, it portends well to my enquiry, that the first position which I have to examine is true, nor can I forbear to congratulate your lordships upon having heard from the new ministry one assertion not to be contradicted.

It is evident, my lords, from daily observation, and demonstrable from the papers upon the table, that every year, since the enaction of the last law, that vice has increased which it was intended to repress, and that no time has been so favourable to the retailers of spirits as that which has passed since they were prohibited.

It may therefore be expected, my lords, that having agreed with the ministers in their fundamental proposition, I shall concur with them in the consequence which they draw from it; and having allowed that the present law is ineffectual, should admit that another is necessary.

But, my lords, in order to discover whether this consequence be necessary, it must first be enquired why the present law is of no force. For, my lords, it will be found upon reflection, that there are certain degrees of corruption that may hinder the effects of the best laws. The magistrates may be vicious, and forbear to enforce that law, by which themselves are condemned: they may be indolent, and incline rather to connive at wickedness by which they are not injured themselves, than to repress it by a laborious exertion of their authority; or they may be timorous, and instead of awing the vicious, may be awed by them.

In any of these cases, my lords, the law is not to be condemned for its inefficacy, since it only fails by the defect of those who are to direct its operations; the best and most important laws will contribute very little to the security and happiness of a people, if no judges of integrity and spirit can be found amongst them. Even the most beneficial and useful Bill that ministers can possibly imagine, a Bill for laying on our estates a tax of the fifth part of their yearly value, would be wholly without effect, if collectors could not be obtained.

I am therefore, my lords, yet doubtful, whether the inefficacy of the law now subsisting necessarily obliges us to provide another; for those that declared it to be useless, owned at the same time, that no man endeavoured to enforce it: so that perhaps its only defect may be, that it will not execute itself. Nor though I should allow, that the law is at present impeded by difficulties which cannot be broken through, but by men of more spirit and dignity than the ministers may be inclined to trust with commissions of the peace, yet it can only be collected that another law is necessary, not that the law now proposed will be of any advantage.

Great use has been made of the inefficacy of the present law to decry the proposal made by the noble lord for laying a high duty upon these pernicious liquors. High duties have already, as we are informed, been tried without advantage; high duties are at this hour imposed upon those spirits which are retailed, yet we see them every day sold in the streets without the payment of the tax required; and therefore it will be folly to make a second essay of means which have been found, by the experience of many years, unsuccessful.

It has been granted on all sides in this debate, nor was it ever denied on any other occasion, that the consumption of any commodity is most easily to be hin-



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dered by raising its price, and its price is to be raised by the imposition of a duty; this, my lords, which is, I suppose, the opinion of every man, of whatever degree of experience or understanding, appears likewise to have been thought by the authors of the present law; and therefore they imagined, that they had effectually provided against the increase of drunkenness, by laying upon that liquor which should be retailed in small quantities, a duty which none of the inferior classes of drunkards would be able to pay.

Thus, my lords, they conceived, that they had reformed the common people without infringing the pleasures of others, and applauded the happy contrivance by which spirits were to be made dear only to the poor, while every man who could afford to purchase two gallons was at liberty to riot at his ease, and over a full flowing bumper look down with contempt upon his former companions, now ruthlessly condemned to disconsolate sobriety, or obliged to regale themselves with liquor which did no speedy execution upon their cares, but held them for many tedious hours in a languishing possession of their senses and their limbs.

But, my lords, this intention was frustrated, and the project, ingenious as it was, fell to the ground; for though they had laid a tax, they unhappily forgot, that this tax would make no addition to the price, unless it was paid; and that it would not be paid, unless some were empowered to collect it.

Here, my lords, was the difficulty: those who made the law were inclined to lay a tax from which themselves should be exempt, and therefore would not charge the liquor as it issued from the still: and when once it was dispersed in the hands of petty dealers, it was no longer to be found without the assistance of informers, and informers could not carry on the business of persecution, without the consent of the people.

It is not necessary to dwell any longer upon the law of which the repeal is proposed, since it appears already, that it failed only from a partiality not easily defended, and from the omission of what is now proposed, the collection of the duty as the liquor is distilled.

If this method be followed, there will be no longer any need of information, or of any rigorous or new measures; the same officers that collect a smaller duty may levy a greater, nor can they be easily deceived with regard to the quantities that are made; the deceits, at least, that can be used, are in use already; they are frequently detected and suppressed; nor will a larger duty enable the distillers to elude the vigilance of the officers with more success.

Against this proposal, therefore, the inefficacy of the present law can be no objection; but it is urged, that such duties would destroy the trade of distilling, and a noble lord has been pleased to express great tenderness for a manufacture so beneficial and extensive.

I cannot but sometimes wonder, my lords, at the amazing variety of intellects, which every day furnishes some opportunity or other of observing, and which cannot but be remarked on this occasion, when one produces against a proposal the very argument which another offers in its favour. That a large duty levied at the still would destroy or very much impair the trade of distilling, is certainly supposed by those who defend it, for they proposed it only for that end; and what better method can they propose, when they are called to deliberate upon a Bill for the prevention of the excessive use of distilled liquors?

The noble lord has been pleased kindly to inform us, that the trade of distilling is very extensive, that it employs great numbers, and that they have arrived at exquisite skill, and therefore—note well the consequence—the trade of distilling is not to be discouraged.

Once more, my lords, allow me to wonder at the different conceptions of different understandings. It appears to me, that since the spirits which the distillers produce are allowed to enfeeble the limbs, and vitiate the blood, to pervert the heart, and obscure the intellects, that the number of distillers should be no argument in their favour! For I never heard that a law against theft was repealed or delayed, because thieves were numerous. It appears to me, my lords, that if so formidable a body are confederated against the virtue or the lives of their fellow-citizens, it is time to put an end to the havoc, and to interpose, while it is yet in our power to stop the destruction.

As little, my lords, am I affected with the merit of the wonderful skill which the distillers are said to have attained: it is, in my opinion, no faculty of great use to mankind, to prepare palatable poison; nor shall I ever contribute my interest for the reprieve of a murderer, because he has, by



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long practice, obtained great dexterity in his trade.

If their liquors are so delicious, that the people are tempted to their own destruction, let us at length, my lords, secure them from these fatal draughts, by bursting the vials that contain them; let us crush at once these artists in slaughter, who have reconciled their countrymen to sickness and to ruin, and spread over the pitfalls of debauchery such baits as cannot be resisted.

The noble lord has indeed admitted, that this Bill may not be found sufficiently coercive, but gives us hopes that it may be improved and enforced another year, and persuades us to endeavour the reformation of drunkenness by degrees, and above all, to beware at present of hurting the 'manufacture.'

I am very far, my lords, from thinking, that there are this year any peculiar reasons for tolerating murder; nor can I conceive why the manufacture should be held sacred now, if it be to be destroyed hereafter; we are, indeed, desired to try how far this law will operate, that we may be more able to proceed with due regard to this valuable manufacture.

With regard to the operation of the law, it appears to me, that it will only enrich the government without reforming the people, and I believe there are not many of a different opinion; if any diminution of the sale of spirits be expected from it, it is to be considered, that this diminution will or will not be such as is desired for the reformation of the people; if it be sufficient, the manufacture is at an end, and all the reasons against a higher duty are of equal force against this; but if it is not sufficient, we have, at least, omitted part of our duty, and have neglected the health and virtue of the people.

I cannot, my lords, yet discover, why a reprieve is desired for this manufacture, why the present year is not equally propitious to the reformation of mankind as any will be that may succeed it. It is true we are at war with two nations, and, perhaps, with more; but war may be better prosecuted without money than without men, and we but little consult the military glory of our country, if we raise supplies for paying our armies, by the destruction of those armies that we are contriving to pay.

We have heard the necessity of reforming the nation by degrees, urged as an argument for imposing first a lighter duty, and afterwards a heavier; this complaisance for wickedness, my lords, is not so defensible as that it should be battered by arguments in form, and therefore, I shall only relate a reply made by Webb, the noted walker, upon a parallel occasion. This man, who must be remembered by many of your lordships, was remarkable for vigour, both of mind and body, and lived wholly upon water for his drink, and chiefly upon vegetables for his other sustenance; he was one day recommending his regimen to one of his friends who loved wine, and who perhaps might somewhat contribute to the prosperity of this 'spirituous manufacture,' and urged him, with great earnestness, to quit a course of luxury by which his health and his intellects would equally be destroyed. The gentleman appeared convinced, and told him, 'that he would conform to his counsel, and thought he could not change his course of life at once, but would leave off strong liquors by degrees.' 'By degrees!' says the other, with indignation; 'If you should unhappily fall into the fire, would you caution your servants not to pull you out but by degrees?' This answer, my lords, is applicable in the present case; the nation is sunk into the lowest state of corruption, the people are not only vicious but insolent beyond example, they not only break the laws but defy them, and yet some of your lordships are for reforming them by degrees.

I am not easily persuaded, my lords, that our ministers really intend to supply the defects that may hereafter be discovered in this Bill: it will doubtless produce money, perhaps much more than they appear to expect from it; I doubt not but the licensed retailers will be more than 50,000, and the quantity retailed must increase with the number of retailers. As the Bill will therefore answer all the ends intended by it, I do not expect to see it altered, for I have never observed ministers desirous of amending their own errors, unless they are such as produce a deficiency in the revenue.

Besides, my lords, it is not certain, that when this fund is mortgaged to the public creditors, they can prevail upon the Commons to change their security; they may continue the Bill in force for the reasons, whatever they are, for which they have passed it, and the good intentions of our ministers, however sincere, may be defeated, and drunkenness, legal drunkenness, established in the nation. This, my

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lords, is very reasonable; and therefore we ought to exert ourselves for the safety of the nation, while the power is yet in our own hands, and without regard to the opinion or proceedings of the other House, show that we are yet the chief guardians of the people, and the most vigilant adversaries of wickedness.

The ready compliance of the Commons with the measures proposed in this Bill, has been mentioned here with a view, I suppose, of influencing us, but surely by those who had forgotten our independence, or resigned their own. It is not only the right, but the duty of either House, to deliberate without regard to the determinations of the other; for how would the nation receive any benefit from the distinct powers that compose the legislature, unless their determinations are without influence upon each other? If either the example or authority of the Commons can divert us from following our own convictions, we are no longer part of the legislature; we have given up our honours and our privileges, and what then is our concurrence but slavery, or our suffrage but an echo?

The only argument therefore that now remains, is the expediency of gratifying those by whose ready subscription the exigencies which the counsels of our new statesmen have brought upon us, and of continuing the security by which they have been encouraged to such liberal contributions.

Public credit, my lords, is indeed of very great importance, but public credit can never be long supported without public virtue; nor indeed if the government could mortgage the morals and health of the people, would it be just or rational to confirm the bargain. If the ministry can raise money only by the destruction of their fellow-subjects, they ought to abandon those schemes for which the money is necessary: for what calamity can be equal to unbounded wickedness? But, my lords, there is no necessity for a choice which may cost us or our ministers so much regret; for the same subscriptions may be procured by an offer of the same advantages to a fund of any other kind, and the sinking fund will easily supply any deficiency that might be suspected in another scheme.

To confess the truth, I should feel very little pain from an account that the nation was for some time determined to be less liberal of their contribution, and that money was withheld, till it was known in what expeditions it was to be employed, to what princes subsidies were to be paid, and what advantages were to be purchased by it for our country. I should rejoice, my lords, to hear that the lottery, by which the deficiencies of this duty are to be supplied, was not filled; and that the people were grown at last wise enough to discern the fraud, and to prefer honest commerce, by which all may be gainers, to a game by which the greatest number must certainly lose, and in which no man can reasonably expect that he shall be the happy favourite of fortune, on whom a prize shall be conferred.

The lotteries, my lords, which former ministers have proposed, have always been censured by those that saw their nature and their tendency; they have been considered as legal cheats, by which the ignorant and the rash are defrauded, and the subtle and avaricious often enriched; they have been allowed to divert the people from trade, and to alienate them from useful industry. A man who is uneasy in his circumstances, and idle in his disposition, collects the remains of his fortune, and buys tickets in a lottery, retires from business, indulges himself in laziness, and waits, in some obscure place, the event of his adventure. Another, instead of employing his stock in a shop or warehouse, rents a garret in a private street, and makes it his business, by false intelligence, and chimerical alarms, to raise and sink the price of tickets alternately, and takes advantage of the lies which he has himself invented.

Such, my lords, is the traffic that is produced by this scheme of raising money; nor were these inconveniences unknown to the present ministers in the time of their predecessors, whom they never failed to pursue with the loudest clamours, whenever the exigencies of the government reduced them to a lottery.

If I, my lords, might presume to recommend to our ministers the most probable method of raising a large sum for the payment of the troops of the electorate, I should, instead of the tax and lottery now proposed, advise them to establish a certain number of licensed wheel-barrows, on which the laudable trade of thimble and button might be carried on for the support of the war, and shoe-boys might contribute to the defence of the House of Austria, by raffling for apples.

Having now, my lords, examined with the utmost candour, all the reasons which

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have been offered in defence of the Bill, I cannot conceal the result of my enquiry. The arguments have had so little effect upon my understanding, that as every man judges of others by himself, I cannot believe that they have any influence, even upon those that offer them; and therefore I am convinced, that this Bill must be the result of considerations which have been hitherto concealed, and is intended to promote designs which are never to be discovered by the authors before their execution.

With regard to these motives and designs, however artfully concealed, every lord in this House is yet at liberty to offer his conjectures; and therefore I shall venture to lay before you what has arisen in my mind, without pretending to have discovered with absolute certainty, what such accomplished politicians have endeavoured to conceal.

When I consider, my lords, the tendency of this Bill, I find it calculated only for the propagation of diseases, the suppression of industry, and the destruction of mankind; I find it the most fatal engine that ever was pointed at a people, an engine by which those who are not killed will be disabled, and those who preserve their limbs, will be deprived of their senses.

This Bill therefore appears to be designed only to thin the ranks of mankind, and to disburthen the world of the multitudes that inhabit it; and is, perhaps, the strongest proof of political sagacity that our new ministers have yet exhibited. They well know, my lords, that they are universally detested, and that wherever an Englishman is destroyed, they are freed from an enemy; they have therefore opened the flood-gates of gin upon the nation, that when it is less numerous, it may be more easily governed.

Other ministers, my lords, who had not attained to so great a knowledge in the art of making war upon their country, when they found their enemies clamorous and bold, used to awe them with prosecutions and penalties, or destroy them like burglars, with prisons and with gibbets. But every age, my lords, produces some improvement, and every nation, however degenerate, gives birth at some happy period of time to men of great and enterprising genius. It is our fortune to be witnesses of a new discovery in politics; we may congratulate ourselves upon being contemporaries with those men who have shown that hangmen and halters are unnecessary in a state, and that ministers may escape the reproach of destroying their enemies, by inciting them to destroy themselves.

This new method may, indeed, have upon different constitutions a different operation; it may destroy the lives of some, and the senses of others; but either of these effects will answer the purposes of the ministry, to whom it is indifferent, provided the nation becomes insensible, whether pestilence or lunacy prevails among them. Either mad or dead, the greatest part of the people must quickly be, or there is no hope of the continuance of the present ministry.

For this purpose, my lords, what could have been invented more efficacious than an establishment of a certain number of shops at which poison may be vended; poison so prepared, as to please the palate while it wastes the strength, and to kill only by intoxication? From the first instant that any of the enemies of the ministry shall grow clamorous and turbulent, a crafty hireling may lead him to the ministerial slaughter-house, and ply him with their wonder-working liquor, till he is no longer able to speak or think; and, my lords, no man can be more agreeable to our ministers than he that can neither speak nor think, except those who speak without thinking.

But, my lords, the ministers ought to reflect, that though all the people of the present age are their enemies, yet they have made no trial of the temper and inclinations of posterity; our successors may be of opinions very different from ours; they may perhaps approve of wars on the continent, while our plantations are insulted, and our trade obstructed; they may think the support of the House of Austria of more importance to us than our own defence, and may perhaps so far differ from their fathers, as to imagine the treasures of Great Britain very properly employed in supporting the troops, and increasing the splendor, of a foreign electorate.

Since therefore it will not be denied by our ministers, that the affection and gratitude of posterity may atone for the obstinacy, blindness, and malice of the present age; since those measures which are now universally censured, may at some distant time be praised with equal unanimity; why, my lords, should they extend their vengeance to the succeeding gene-

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ration? Why should they endeavour to torture their limbs with pains, and load their lives with the guilt of their parents? Why should they hinder that trade to which they must owe all the comforts which plenty affords? Why should they endeavour to intercept their existence, or suffer them to exist only to be wretched?

If I may once more declare my sentiments, my lords, I believe the ministers do not so much wish to debilitate the bodies as the understandings of posterity, nor so ardently desire a race of cripples as of fools. For cripples, my lords, can make no figure at a review, nor strut in a red coat with a tolerable grace; but fools are known by long experience to be the principal support of an army, since they are the only persons who are willing to pay it.

Whatever, my lords, be the true reasons for which this Bill is so warmly promoted, I think they ought, at least, to be deliberately examined; and therefore cannot think it consistent with our regard for the nation to suffer it to be precipitated into a law. The year, my lords, is not so far advanced as that supplies may not be raised by some other method, if this should be rejected; nor do I think that we ought to consent to this, even though our refusal should hinder the supplies, since we have no right, for the sake of any advantage, however certain or great, to violate all the laws of heaven and earth, to doom thousands to destruction, and to fill the exchequer with the price of the lives of our fellow-subjects.

Let us therefore, my lords, not suffer ourselves to be driven forward with such haste as may hinder us from observing whither we are going; let us not be persuaded to precipitate our counsels by those who know that all delays will be detrimental to their designs, because delays may produce new information, and they are conscious that the Bill will be less approved the more it is understood. But every reason which they can offer against the motion, is, in my opinion, a reason for it; and therefore I shall readily agree to postpone the clause, and no less readily to reject the Bill.

If at last reason and evidence are vain, if neither justice nor compassion can prevail, but the nation must be destroyed for the support of the government, let us at least, my lords, confine our assertions, in the preamble, to truth; let us not affirm, That drunkenness is established by the advice or consent of the Lords 'Spiritual,' since I am confident not one of them will so far contradict his own doctrine, as to vote for a Bill which gives a sanction to one vice, and ministers opportunities and temptations to all others; and which, if it be not speedily repealed, will overflow the whole nation with a deluge of wickedness.

The Earl of *Ilay:*

My lords; I have attended for a long time to the noble lord, not without some degree of uneasiness, as I think the manner in which he has treated the question neither consistent with the dignity of this House, nor with those rules which ought to be ever venerable, the great rules of reason and humanity. Yet being now arrived at a time of life in which the passions grow calm, and patience easily prevails over any sudden disgust or perturbation, I forbore to disconcert him, though I have known interruption produced by much slighter provocations.

It is, my lords, in my opinion, a just maxim, that our deliberations can receive very little assistance from merriment and ridicule, and that truth is seldom discovered by those who are chiefly solicitous to start a jest. To convince the understanding, and to tickle the fancy, are purposes very different, and must be promoted by different means; nor is he always to imagine himself superior in the dispute, who is applauded with the loudest laugh.

To laugh, my lords, and to endeavour to communicate the same mirth to others, when great affairs are to be considered, is certainly to neglect the end for which we are assembled, and the reasons for which the privilege of debating was originally granted us. For doubtless, my lords, our honours and our power were not conferred upon us, that we might be merry with the better grace, or that we might meet at certain times to divert ourselves with turning the great affairs of the nation to ridicule.

But, my lords, still less defensible is this practice, when we are contriving the relief of misery, or the reformation of vice; when calamities are preying upon thousands, and the happiness not only of the present age, but of posterity, must depend upon our resolutions. He that can divert himself with the sight of misery, has surely very little claim to the great praise of humanity and tenderness; nor

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can he be justly exempted from the censure of increasing evils, who wastes in laughter and jocularity that time in which he might relieve them.

The Bill now before us has been represented by those that oppose it, as big with destruction, and dangerous both to the lives and to the virtue of the people. We have been told, that it will at once fill the land with sickness and with villainy, and that it will be at the same time fatal to our trade, and to our power; yet those who are willing to be thought fearful of all these evils, and ardently desirous of averting them from their country, cannot without laughter mention the Bill which they oppose, or enumerate the consequences which they dread from it, in any other language than that of irony and burlesque.

Surely, my lords, such conduct gives reason for questioning either their humanity, or their sincerity; for if they really fear such dreadful calamities, how can they be at leisure for mirth and gaiety? how can they sport over the grave of millions, and indulge their vain ridicule, when the ruin of their country is approaching?

But without enquiry, whether they who oppose the Bill will grant their opposition hypocritical, or their patriotism languid, I shall lay my opinion of this new regulation before your lordships with equal freedom, though with less luxuriance of imagination, and less gaiety of language. Of this Bill, notwithstanding the acuteness with which it has been examined, and the acrimony with which it has been censured, I am not afraid to affirm, that it is neither wicked nor absurd, that all its parts are consistent, and that the effects to be expected from it are sobriety and health. I cannot find, upon the closest examination, either that it will defeat its own end, or that the end proposed by it is different from that which is professed.

The charge of encouraging vice and tolerating drunkenness, with which the defenders of this Bill have been so liberally aspersed, may be, in my opinion, more justly retorted upon those that oppose it; who, though they plead for the continuance of a law, rigorous indeed, and well intended, own that it has by the experience of several years been found ineffectual.

What, my lords, can a drunkard or a profligate be supposed to wish, but that the law may still remain in its present state, that he may still be pursued in a track by which he knows how to escape, and opposed by restraints which he is able to break? What can he desire, but that the book of statutes should lie useless, and that no laws should be made against him, but such as cannot be put in execution?

The defects of the present law are indeed very numerous; nor ought it to be continued, even though no other were to be substituted. It seems to suppose the use of distilled liquors absolutely unlawful, and therefore imposed upon licences a duty so enormous, that only three were taken in the whole kingdom, and the people were therefore obliged to obtain by illegal methods what they could not persuade themselves wholly to forbear.

The method of detecting offenders was likewise such as gave opportunity for villainy to triumph over innocence, and for perjury to grow rich with the plunder of the poor. Even charity itself might be punished by it; and he that gave a glass of spirits to a man fainting under poverty, or sickness, or fatigue, might be punished as a retailer of spirits without a licence.

These defects, which were not seen when the law was made, soon excited a dislike. No man enforced the execution of it, because every man knew that on some occasions he might himself break it; and they who suffered for the violation of it, were often pitied by those whose office obliged them to punish them. Thus the law, after having been executed a few months with rigour, was laid aside as impracticable, and appears now to be tacitly repealed; for it is apparently an empty form without effect.

If therefore the use of spirits be so destructive as is generally allowed, it is surely necessary, that the legislature should at last repair the defects of the former law, and the nation should not be vitiated and ruined, without some endeavours for its preservation; and, in my opinion, to lay a double duty upon these liquors, is very rational and prudent. An increase of the price must lessen the consumption.

To what degree the consumption will be diminished by this new duty, I am not able to foretel; but undoubtedly some diminution will be produced, and the least diminution will afford us this comfort, that the evil does not increase upon us, and that this law is therefore better than that which we have repealed. For this reason, my lords, I approve the present Bill, with-

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out enquiring whether it is perfect; it is sufficient for me in the present exigence, that the nation will gain something by the change, and the people will be drawn nearer to sobriety, temperance, and industry. Thus, my lords, without paying any regard to the determination of the other House, I think the Bill sufficiently defensible by reason and policy; nor can I conceal my opinion, that those who oppose it are the real enemies of their country.

The question, Whether the House should now be resumed, was then put, and determined in the negative by 56 against 35.—The other Clauses were then read, and agreed to. After which

Lord *Sandwich* rose and said:

My lords; as the importance of the Bill now before us justly demands the maturest consideration, it is not without unusual concern, that I observe the absence of many lords, for whose wisdom and experience I have the highest veneration, and whom I esteem equally for their penetration and their integrity. I should hope, that all those who feel in their hearts the love of their country, and are conscious of abilities to promote its happiness, would assemble on this great occasion, and that the collective wisdom of this House would be exerted, when the lives and fortunes, and, what is yet more worthy of regard, the virtue of the people is involved in the question. As there can be no avocations which can possibly withhold a wise man from counsels of such moment to his country, to himself, and to his posterity; as there is no interest equivalent to the general happiness, I cannot suppose, that either business or pleasure detain those who have not attended at the examination of this Bill; and therefore imagine, that they are absent only because they have not been sufficiently informed of the importance of the question that was this day to be discussed.

It is therefore, my lords, necessary, in my opinion, that on the day of the third reading they be again summoned to attend, that the law, which is allowed to be only an experiment, of which the event is absolutely uncertain, may be examined with the utmost care; that all its consequences may be known, so far as human wisdom is able to discover, and that we may at least be exempt from the imputation of being negligent of the welfare of our country, and of being desirous of avoiding information or enquiry, lest they should retard our measures, or contradict our assertions. I therefore move, that the third reading of this Bill may be delayed till the 1st of March, and that immediate summons be issued for all lords to attend.

Lord *Carteret*:

My lords; if it is the intention of the noble lords to debate once more the usefulness or expedience of this Bill, if they have any new argument to produce, or are desirous of another opportunity to repeat those which have been already heard, I hope they will not long withhold, either from themselves or their opponents, that satisfaction.—Your lordships are so well acquainted with the state of the public, and know so well the danger of the liberties of the continent, the power of the enemies whom we are to oppose, the dreadful consequences of an unsuccessful opposition, and the necessity of vigour and expedition to procure success, that it cannot be necessary to urge the impropriety of delaying the Bill from which the supplies are to be expected.—The convenience of deferring this Bill, however plausibly represented by the noble lord who made the motion, is overbalanced by the necessity of considering it to-morrow. Necessity is an argument which no acuteness can overthrow, and against which eloquence will be employed to little purpose. I therefore, my lords, oppose the motion.

Lord *Hervey*:

My lords; it is always the last resource of ministers to call those measures necessary which they cannot show to be just; and when they have tried all the arts of fallacy and illusion, and found them all baffled, to stand at bay, because they can fly no longer, look their opponents boldly in the face, and stun them with the formidable sound of necessity.—But it is generally the fortune of ministers to discover necessity much sooner than they whose eyes are not sharpened by employments; they frequently call that necessity, on which no other man would bestow the title of expediency; and that is seldom necessary to be done, which others do not think necessary to be avoided.—At present, my lords, I see nothing necessary, but what is equally necessary at all times, that we do our duty to our country, and discharge our trust, without suffering ourselves to be terrified with imaginary dangers, or allured by imaginary benefits. The

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war which is said to produce the necessity of this Bill, is, in my opinion, not necessary in itself: and if your lordships differ from me in that sentiment, it must yet be allowed, that there is time sufficient to provide supplies by new methods.—But, my lords, if the motion, in which I concur, be over-ruled on a pretence of necessity, it will show an eager desire to hasten a Bill, which if referred to any twelve men not of either House of Parliament, their examination would terminate in this, that they bring it in guilty of Wilful Murder.

The Earl of *Cholmondeley:*

My lords; as there is no doubt but particular measures may be sometimes necessary, I discover no reason that ought to hinder the mention of that necessity; for surely where it can be asserted with truth, it is the most powerful of all arguments, and cannot be wisely or honestly neglected.

In the present case, my lords, I can discover no impropriety in mentioning it; for I suppose that noble lord did not intend to restrain it to the most rigorous sense; he did not mean, that there is the same necessity of reading this Bill to-morrow for the success of the war, as of extinguishing a fire for the preservation of a town, but that the reasons for dispatch absolutely overbalanced all the pleas that could be offered for delays.

This necessity, my lords, I am not ashamed to assert after him; nor can I think it consistent with common prudence, in the present situation of our affairs, to defer the third reading beyond to-morrow; for the supplies which this Bill must produce, are to be employed in attempts of the utmost importance, and which cannot fail without the ruin of a great part of mankind, and an irreparable injury to this nation. I cannot therefore but confess my surprise at the vehemence with which this Bill is opposed; vehemence so turbulent and fierce, that some lords have been transported beyond that decency which it is our duty and our interest to preserve in our deliberations; nor have restrained themselves from expressions, which, upon reflection, I believe they will not think defensible; from among which I cannot but particularize the horrid and opprobrious term of murder.

The reverend prelates, who have spoken against the Bill, may be easily believed to be as zealous for virtue as those who have indulged themselves in this violence of language; yet they have never charged those who defend the measures now proposed with the guilt of murder, but have decently delivered their own opinions, without reproaching those who differ from them. For my part, my lords, as I cannot think the motion for further delay, seasonable or proper, or necessary to the discovery of truth, or consistent with the welfare of the nation, it is my resolution to vote against it.

The Duke of *Bedford:*

My lords; the ardour with which the noble lord appears to resent the indignity offered to the Bill, shows only that he himself approves it, but not that it deserves the approbation of the House. I think it of use, notwithstanding the plausible pleas of decency or politeness, that every thing should in this House be called by its right name, that we may not dispute for one thing and vote for another; and since the Bill will certainly destroy multitudes, if it promotes the sale of distilled spirits, and it has been proved that it will promote it, I know not by what appellation to denominate its effects, if that be denied me, which has been already used.

Then the question being put that the third reading of the said Bill be put off till the 1st of March, it was resolved in the negative, by 52 against 29.

Feb. 25. The order being read for the third reading of this Bill,

Lord *Hervey* rose and said*:

My lords; the tendency of the Bill, which we are now to approve or reject, is

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* *From the Secker Manuscript.*

Feb. 25. Third Reading of the Bill relating to Spirituous Liquors.

*Hervey.* This Bill will be productive of murder of all sorts. It will extend its consequences almost as wide as the forbidden fruit: but it will not be a tree of knowledge, but a spring of ignorance. All lawgivers have provided for the health of their people. Moses saw the people inclined to leprosy, and forbad swines' flesh. So Mahomet, Lycurgus, Solon. This the original meaning of 'Salus populi suprema lex.' The chiefs of the wild Indians declared against rum being imported to them. The colony of Georgia have made a law against it. A total prohibition of strong liquors here was never meant: but only amongst the common people for common use.

*Lonsdale.* These liquors are now in effect prohibited by law, and this is restoring them by law: which is contrary to all principles of



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so apparently destructive to the ends of government, so apparently dangerous to public happiness, and so contrary to the institutions of the most celebrated lawgivers, and the policy of the most flourishing nations, that I still continue to think it my duty to struggle against it.

Almost every legislator of the world, my lords, from whatever original he derived his authority, has exerted it in the prohibition of such foods as tended to injure the health, and destroy the vigour, of the people for whom he designed his institutions. The great instructor of the Jews, who delivered his laws by divine authority, prohibited the use of swine's flesh, for no other cause, so far as human reason is able to discover, than that it corrupted the blood, and produced loathsome diseases and maladies which descended to posterity; and therefore in prohibiting, after his example, the use of liquors which produce the same effects, we shall follow the authority of the great Governor of the universe.

The author of another religion, a religion founded indeed on superstition and credulity, but which prevails over a very great part of the earth, has laid his followers under restraints still more severe; he has forbidden them to dispel their cares, or exalt their pleasures, with wine, has banished from their banquets that useful opponent of troublesome reflection, and doomed all those who receive his law, not to sobriety only, but to abstinence. The authority of this man, my lords, cannot indeed be urged as unexceptionable and decisive; but the reception of his imposture shows, at least, that he was not unacquainted with human nature, and that he knew how to adapt his forgeries to the nations among which he vented them; nor can it be denied, but the prohibition of wine was found generally useful, since it obtained so ready a compliance.

All nations in the world, my lords, in every age of which there remain any historical accounts, have agreed in the necessity of laying restraint upon appetite, and setting bounds to the wantonness of luxury; every legislature has claimed and practised the right of withholding those pleasures which the people have appeared inclined to use to excess, and preferring the safety of multitudes whom liberty would destroy, to the convenience of those who would have enjoyed it within the limits of reason and of virtue.

The welfare of the public, my lords, has always been allowed the supreme law; and when any governors sacrifice the general good either to private views, or temporary convenience, they deviate at once from integrity and policy, they betray their trust, and neglect their interest.

The prohibition of those commodities which are instrumental to vice, is not only dictated by policy but nature; nor does it indeed require much sagacity, when the

policy. The number of a people is the strength of a people. This will be diminished in like numbers: health is a great advantage, which this law tends to destroy: and laws under which people will own and be permitted to hurt themselves, are more hurt than compulsory laws. The next great principle is morals, want of morals divides a society into jarring atoms. The next point is trade, and those trades are to be encouraged which promote the happiness of a people: and those to be discouraged which do the contrary. I am sorry to hear the distillers trade, upon the whole, treated as advantageous: for all the spirits that are consumed beyond what the health of the people require, are destructive. I hoped somebody would have proposed better thoughts than mine, but nobody regards the matter; the landed interest doth not subsist upon poisoning the people. It is much better for the farmer that the barley should be made into malt than spirits. If the government is to avail itself of those poisons, the interest of the government and the people is contrary, which must undo the nation.

*Carteret.* I agree in the consequences of vice and virtue: but I think this Bill at least an innocent one. All you can say, is, that it leaves vice where it found it. The prohibition of 9 Geo. 2 was nominal only: so far as the distillery keeps out foreign spirits, it does good. If you did not distill spirits, you would drink them; Rotterdam distills cheaper than you. The tenants of this kingdom pay their rents by their barley: and if we had no distillery our barley would be worth little. Our chief revenue are from follies, our tobacco, our tea: and the last hath made way for gin.

*Lonsdale.* Tea and tobacco may be wrong, but are not such poisons as gin.

*Aylesford.*

Question on passing the Bill.

C. 59. Proxies 23. In all 82.
N. C. 38. Proxies 17. In all 55.

Amongst these, all the bishops present, who were the same as against the commitment, and the bishop of London, who came on purpose. The bishop of St. David's did not come to the House after the 22nd, nor the bishop of Rochester, and the bishops of Bangor, and Winchester, and Landaff, though in town and able, did not come.



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evil is known, to find the proper remedy; for even the Indians, who have not yet reduced the art of government to a science, nor learned to make long harangues upon the different interests of foreign powers, the necessity of raising supplies, or the importance and extent of manufactures, have yet been able to discover, that distilled spirits are pernicious to society, and that the use of them can only be hindered by prohibiting the sale. For this reason, my lords, they have petitioned, that none of this delicious poison should be imported from Great Britain; they have desired us to confine this fountain of wickedness and misery to stream in our own country, without pouring upon them those inundations of debauchery, by which we are ourselves overflowed. When we may be sent with justice to learn from the rude and ignorant Indians the first elements of civil wisdom, we have surely not much right to boast of our foresight and knowledge; we must surely confess, that we have hitherto valued ourselves upon our arts with very little reason, since we have not learned how to preserve either wealth or virtue, either peace or commerce.

The maxims of our politicians, my lords, differ widely from those of the Indian savages, as they are the effects of longer consideration, and reasonings formed upon more extensive views. What Indian, my lords, would have contrived to hinder his countrymen from drunkenness, by placing that liquor in their houses which tempted them to excess; or would have discovered, that prohibitions only were the cause of boundless excesses; that to subdue the appetite nothing was necessary but to solicit it; and that what was always offered would never be received? The Indians, in the simplicity of men unacquainted with European and British refinements, imagined, that to put an end to the use of any thing, it was only necessary to take it away; and conceived, that they could not promote sobriety more effectually, than by allowing the people nothing with which they could be drunk.

But if our politicians should send missionaries to teach them the art of government, they would quickly be shown, that if they would accomplish their design, they must appoint every tenth man among them to distribute spirits to the nine, and to drink them himself in what quantity they shall desire, and that then the peace of their country will be no longer disturbed by the quarrels of debauchery.

It is indeed not without amazement, that I hear this Bill seriously defended as a scheme for suppressing drunkenness, and find some lords, who admit that 50,000 houses will be opened for the public sale of spirits, assert that a less quantity of spirits will be sold. The foundation of this opinion is in itself very uncertain; for nothing more is urged, but that all who sell under the sanction of a licence, will be ready to inform against those by whom no licence has been purchased; and that therefore 50,000 licenced retailers may hurt a greater number who now sell spirits in opposition to the law.

All this, my lords, is very far from certainty; for it cannot be proved, that there are now so great a number of retailers as this act may produce: it is likely that security will encourage many to engage in this trade, who are at present deterred from it by danger. It is possible, that those who purchase licences may nevertheless forbear to prosecute those that sell spirits without the protection of the law. They may forbear, my lords, from the common principles of humanity, because they think those poor traders deserve rather pity than punishment; they may forbear from a principle that operates more frequently, and too often more strongly, a regard to their own interest. They may themselves offend the law by some other parts of their conduct, and may be unwilling to provoke an inspection into their own actions, by betraying officiously the faults of their neighbours; or they may be influenced by immediate terrors, and expect to be hunted to death by the rage of the populace.

All these considerations may be urged against the only supposition that has been made, with any show of reason, in favour of the Bill; and of these various circumstances, some one or other will almost always be found. Every man will have either fear or pity, because almost every good man is inclined to compassion, and every wicked man is in danger from the law; and I do not see any reason for imagining, that the people will tolerate informers more willingly now than in the late years.

But suppose it should be granted, though it cannot be certain, and has not yet been shown to be probable, that the clandestine trade will be interrupted; I am not able to follow these ministerial reasoners immediately to the consequence which they draw from this concession, and



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which must be drawn from it, if it be of any use in the decision of the question, nor can see that the consumption of spirituous liquors will be made less.

Let us examine, my lords, the premises and the consequences together, without suffering our attention to be led astray by useless digressions. Spirits will now be sold only with licence! therefore less will be sold than when it was sold only by stealth! Surely, my lords, such arguments will not much influence this House. Why, my lords, should less be bought now than formerly? It is not denied, that there will be in every place a licensed shop, where drunkards may riot in security; and what can be more inviting to wretches who place in drunkenness their utmost felicity? If you should favourably suppose no more to be sold, yet why should those who now buy any supposed quantity, buy less when the restraint is taken away?

If it be urged, that the present law does in reality impose no restraint, the intended act will make no alteration. There is no real prohibition now, there will be no nominal prohibition hereafter; and therefore the law will only produce what its advocates expect from it, a yearly addition to the revenue of the government. But, my lords, let us at last enquire to what it is to be imputed, that the present law swells the statute-book to no purpose? and why this pernicious trade is carried on with confidence and security, in opposition to the law? It will not surely be confessed, that the government has wanted authority to execute its own laws; that the legislature has been awed by the populace, by the dregs of the populace, the drunkards and the beggars! Yet when the provisions made for the execution of a law so salutary, so just, and so necessary, were found defective, why were not others substituted of greater efficacy? Why, when one informer was torn in pieces, were there not new securities proposed to protect those who should by the same offence displease the people afterwards.

The law, my lords, has failed of a great part of its effect: but it has failed by cowardice on one part, and negligence on another: and though the duty, as it was laid, was in itself somewhat invidious, it would however have been enforced, could the revenue have gained as much by the punishment as was gained by the toleration of debauchery.

It has however some effect: it may be imagined, that no man can be trusted, where he is not known, and that some men are known too well to be trusted; and therefore many must be occasionally hindered from drinking spirits, while the law remains in its present state; who, when houses are set open by licence, will never want an opportunity of complying with their appetites, but may at any time enter confidently, and call for poison, and mingle with numerous assemblies met only to provoke each other to intemperance by a kind of brutal emulation and obstreperous merriment.

This Bill therefore, my lords, is, as it has been termed, only an experiment; an experiment, my lords, of a very daring kind, which none would hazard but empirical politicians. It is an experiment to discover how far the vices of the populace may be made useful to the government, what taxes may be raised upon poison, and how much the court may be enriched by the destruction of the subjects.

The tendency of this Bill is so evident, that those who appeared as its advocates have rather endeavoured to defeat their opponents by charging their proposals with absurdity, than by extenuating the ill consequence of their own scheme. Their principal charge is, that those who oppose the Bill recommend a total prohibition of all spirits. This assertion gives them an opportunity of abandoning their own cause, to expatiate upon the innocent uses of spirits, of their efficacy in medicine, and their convenience in domestic business, and to advance a multitude of positions which they know will not be denied, but which may be at once made useless to them; by assuring them, that no man desires to destroy the distillery for the pleasure of destroying it, or intends any thing more than some provisions which may hinder distilled spirits from being drunk by common people upon common occasions.

Having thus obviated the only answer that has hitherto been made to the strong arguments which have been offered against the Bill, I must declare, that I have heard nothing else that deserves an answer, or that can possibly make any impression in favour of the Bill; a Bill, my lords, teeming with sedition and idleness, diseases and robberies; a Bill that will enfeeble the body, corrupt the mind, and turn the cities of this populous kingdom into prisons for villains, or hospitals for cripples; and which I think it therefore our duty to reject.

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Lord *Lonsdale:*

My lords; the Bill, on which we are now finally to determine, is of such a tendency that it cannot be made a law, without an open and avowed disregard of all the rules which it has been hitherto thought the general interest of human nature to preserve inviolable. It is opposite at once to the precepts of the wise, and the practice of the good, to the original principles of virtue, and the established maxims of policy. I shall, however, only consider it with relation to policy, because the other considerations will naturally coincide; for policy is only the connexion of prudence with goodness, and directs only what virtue each particular occurrence requires to be immediately practised. The first principle of policy, my lords, teaches us, that the power and greatness of a state arises from the number of its people; uninhabited dominions are an empty show, and serve only to encumber the nation to which they belong; they are a kind of pompous ornaments, which must be thrown away in time of danger, and equally unfit for resistance and retreat.

In the present war, my lords, if the number of our people were equal to that of the two nations against which we are engaged, the narrowness of our dominions would give us a resistless superiority; as we have fewer posts to defend, we might send more forces to attack our enemies, who must be weak in every part, because they must be dispersed to a very great extent. The torrent of war, as a flood of water, is only violent while it is confined, but loses its force as it is more diffused. In consequence of this maxim, my lords, it is proposed, that because we are at war against two mighty powers, we shall endeavour to destroy by spirits at home those who cannot fall by the sword of the enemy, and that we endeavour to hinder the production of another generation; for it is well known, my lords, and has in this debate been universally allowed, that the present practice of drinking spirits will not only destroy the present race, but debilitate the next. This surely, my lords, is a time at which we ought very studiously to watch over the preservation of those lives which we are not compelled to expose, and endeavour to retrieve the losses of war by encouraging industry, temperance, and sobriety.

Another principle of government which the wisdom of our progenitors established, was to suppress vice with the utmost diligence; for as vice must always produce misery to those whom it infects, and danger to those who are considered as its enemies, it is contrary to the end of government; and the government which encourages vice is necessarily labouring for its own destruction; for the good will not support it, because they are not benefited by it, and the wicked will betray it, because they are wicked.

How little then, my lords, do our sagacious politicians understand their own interest by promoting drunkenness and luxury, of which the natural train of consequences are idleness, necessity, wickedness, desperation, sedition, and anarchy! How little do they understand what it is that gives stability to the fabric of our constitution, if they imagine it can long stand, when it is not supported by virtue.

In consequence of these maxims, another may be advanced, that all trades which tend to impair either the health or virtue of the people, should be interdicted; for since the strength of the community consists in the number and the happiness of the people, no trade deserves to be cultivated which does not contribute to the one or the other; for the end of trade, as of all other human attempts, is the attainment of happiness.

If any trade that conduces not to the happiness of the community by increasing either the number or the virtue of the people, be industriously cultivated, the legislature ought to suppress it; if any manufacture that administers temptations to wickedness be flourishing and extensive, it has already been too long indulged; and the government can atone for its remissness only by rigorous inhibition, severe prosecutions, and vigilant enquiries.

That the trade of distilling, my lords, had advanced so fast among us, that our manufacturers of poison are arrived at the utmost degree of skill in their profession, and that the draughts which they prepare are greedily swallowed by those who rarely look beyond the present moment, or enquire what price must be paid for the present gratification; that the people have been so long accustomed to daily stupefaction, that they are become mutinous if they are restrained from it; and that the law which was intended to suppress their luxury cannot, without tumults and bloodshed, be put in execution; are, in my opinion, very affecting considerations, but they can surely be of no use for the defence of this Bill.

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The more extensive the trade of distilling, the more must swallow the poison which it affords; the more palatable the liquor is made, the more dangerous is the temptation; and the more corrupt the people are become, the more urgent is the necessity of extirpating those that have corrupted them.

I am not, my lords, less convinced of the importance of trade, than those lords who have spoken in the most pathetic language for the continuance of the manufacture; but my regard for trade naturally determines me to vote against a Bill by which idleness, the pest of commerce, must be encouraged, and those hands, by which our trade is to be carried on, must be first enfeebled and soon afterwards destroyed.

Nor is this kind of debauchery, my lords, less destructive to the interest of those whose riches consist in lands, than of those who are engaged in commerce; for it undoubtedly hinders the consumption of almost every thing that land can produce; of that corn which should be made into bread, and brewed into more wholesome drink; of that flesh which is fed for the market, and even of that wool which should be worked into cloth. It has been often mentioned ludicrously, but with too much truth, that strong liquors are to the meaner people, meat, drink, and clothes; that they depend upon them alone for sustenance and warmth, and that they desire to forget their wants in drunkenness rather than supply them. If we therefore examine this question with regard to trade, we shall find, that the money which is spent in drunkenness for the advantage only of one distiller, would support, if otherwise expended, a great number of labourers, husbandmen, and traders; since one man employed at the still may supply with the means of debauchery such numbers, as could not be furnished with innocent victuals and warm clothes, but by the industry of many hands, and the concurrence of many trades. Numbers, my lords, are necessary to success in commerce as in war; if the manufacturers be few, labour will be dear, and the value of the commodity must always be proportioned to the price of labour.

These, my lords, are the arguments by which I have hitherto been incited to oppose this Bill, which I have not found that any of its defenders can elude or repel; for they content themselves with a cowardly concession to the multitude, allow them to proceed in wickedness, confess they have found themselves unable to oppose their sovereign pleasure, or to withhold them from pursuing their own inclinations; and therefore have sagaciously contrived a scheme, by which they hope to gain some advantage from the vices which they cannot reform. But who, my lords, can, without horror and indignation, hear those who are entrusted with the care of the public, contriving to take advantage of the ruin of their country? Let others, my lords, vote as their consciences will direct them, I shall likewise follow the dictates of my heart, and shall avoid any concurrence with a scheme, which though it may for a time benefit the government, must destroy the strength and virtue of the people, and at once impair our trade and depopulate our country.

Lord *Carteret:*

My lords; the warmth with which this debate has been hitherto carried on, and with which the progress of this Bill has been opposed, is, in my opinion, to be imputed to strong prejudices, formed when the question was first proposed; by which the noble lords have been incited to warm declamations and violent invectives; who having once heated their minds with suspicions, have not been able to consider the propositions before them with calmness and impartiality; but have pursued their first notions, and have employed their eloquence, in displaying the absurdity of positions never advanced, and the mischief of consequences which will never be produced.

It is first to be considered, my lords, that this Bill is intended, not to promote, but to hinder, the consumption of spirituous liquors; it is therefore by no means necessary to expatiate upon that which is presupposed in the Bill, the pernicious quality of spirits, the detestable nature of drunkenness, the wickedness or miseries which are produced by it. Almost all that has been urged by the noble lords who have spoken with the greatest warmth against the Bill, may reasonably be conceived to have been advanced for it by those who projected it; of whom it may be justly imagined, that they were fully convinced how much spirits were abused by the common people, and how much that abuse contributed to the wickedness which at present prevails amongst us, since they thought it necessary to prevent them by a new law.

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But, my lords, when they saw, that the abuse of distilled liquors was in a very high degree detrimental to the public, they saw likewise, that the trade of distilling was of great use; that it employed great numbers of our people, and consumed a great part of the produce of our lands; and that therefore it could not be suppressed, without injuring the public, by reducing many families to sudden poverty, and by depriving the farmers of a market for a great part of their corn. In the plains of the western part of this island, the grain that is chiefly cultivated is barley, and that barley is chiefly consumed by the distillers; nor, if they should be at once suppressed, could the husbandman readily sell the produce of his labour and his grounds, or the landlord receive rent from his estate; since it would then produce nothing, or, what is in effect the same, nothing that could be sold.

It is indeed possible, my lords, that the Dutch might buy it; but then it must be considered, that we must pay them money for the favour, since we allow a premium upon exportation, and that we shall buy it back again in spirits, and consequently pay them for manufacturing our own product. For it is not to be imagined, that any law will immediately reclaim the dispositions, or reform the appetites, of the people. They are well known to have drank spirits before they were made in our country, and to indulge themselves at present in many kinds of luxury which are yet loaded with a very high tax. It is not therefore probable, that upon the imposition of a high duty they will immediately desist from drinking spirits; they will indeed, as now, drink those which can be most easily procured; and if, by a high tax suddenly imposed, foreign spirits be made cheaper than our own, foreign spirits will only be used, our distillery will be destroyed, and our people will yet not be reformed.

That heavy taxes will not deter the people from any favourite enjoyment, has been already shown by the unsuccessfulness of the last attempt to restrain them from the use of spirits, and may be every day discovered from the use of tobacco, which is universally taken by the common people, though a very high duty is laid upon it, and though a king * thought it so pernicious that he employed his pen against it. The Commons therefore prudently forbore to use violent measures, which might disgust the people, but which they had no reason to believe sufficient to reform them, and thought it more expedient to proceed by more gentle methods, which might operate by imperceptible degrees, and which might be made more forcible and compulsive, if they should be found ineffectual.

Another evil will by this method likewise be avoided, which is the certain consequence of high duties; this tax will produce no clandestine frauds nor rebellious defiance of the legislature, the distillers will not be tempted to evade this impost by perjuries, too often practised where the profit of them is great, nor smugglers to assemble in numerous troops with arms in their hands, and carry imported liquors through the country by force, in opposition to the officers of the customs, and the laws of the nation. That this likewise is practised upon other occasions to escape heavy taxes, all the weekly papers inform us; nor are there many months in which some of the king's officers are not maimed or murdered doing of their duty.

All these evils, my lords, and a thousand others, will be avoided by an easy tax; in favour of which I cannot but wonder that it should be necessary to plead so long, since every nation, which has any pretension to civility or a regular government, will agree, that heavy imposts are not to be wantonly inflicted, and that severity is never to be practised till lenity has failed. It therefore appears to me, my lords, that justice, reason, and experience, unite in favour of this Bill; and that nothing is to be feared from it, but that it will not be sufficiently coercive, nor restrain the abuse of spirits so much as is hoped by those that have stood up in its vindication.

Lord *Lonsdale*:

My lords; the arguments of the noble lord have by no means influenced me to alter my opinion; nor do I now rise up to pronounce a recantation of any of my former assertions, but to explain one of them which the noble lord has been pleased to controvert. He observes, in opposition to my argument, that the distillery contributes to the consumption of the produce of our grounds, and by consequence to the advantage of those who possess them; but I, my lords, am inclined to believe that it produces a contrary effect, and that it hinders the consumption, even of that grain which is employed in it.

We may reasonably suppose, my lords,

* King James the 1st wrote a piece, entitled "A Counter-blast against Tobacco."

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that they who now drink distilled liquors, would, if they were debarred from them, endeavour to obtain from ale and beer the same renovation of their vigour, and relaxation of their cares; and that therefore more ale would be brewed, as there would be more purchasers: if therefore the same quantity of malt, which is sufficient, when distilled, to produce intoxication, would, when brewed into ale, have the same effect, the consumption would still be the same, whether ale or spirits were in use; but it is certain, that the fourth part of the malt which is necessary to furnish ale for a debauch, will, when exalted in the still, be sufficient to satisfy the most greedy drunkard; and it is therefore evident, that he who drinks ale, consumes more barley by three parts in four than he who indulges the use of spirits, supposing them both equally criminal in the excess of their enjoyments.

The noble lord has taken occasion to mention tobacco, as an instance of the obstinacy with which the people persevere in a practice to which they are addicted. Of the obstinacy of the people, my lords, I am sufficiently convinced; but hope that it will never be able to overpower the legislature, who ought to enforce their laws, and invigorate their efforts, in proportion to the atrociousness of the corruption which they are endeavouring to extirpate: nor do I think so meanly of government, as to believe it unable to repress drunkenness or luxury, or in danger of being subverted in a contest about spirits or tobacco.

Tobacco, indeed, has not properly been produced as an instance; for I never heard, that however it may be disapproved by particular men, of whatever rank or abilities, it was prohibited by law; nor should I think any such prohibition necessary or reasonable: for tobacco, my lords, is not poison, like distilled spirits, nor is the use of it so much injurious to health, as offensive to delicacy.

The poisonous and destructive quality of these liquors is confessed by the noble lord, a confession with which I find it very difficult to reconcile his solicitude for the distillery; for when it is once granted, that spirits corrupt the mind, weaken the limbs, impair virtue, and shorten life, any arguments in favour of those who manufacture them come too late, since no advantage can be equivalent to the loss of honesty and life. When the noble lord has urged that the distillery employs great numbers of hands, and therefore ought to be encouraged, may it not, upon his own concession, be replied, that those numbers are employed in murder, and that their trade ought, like that of other murderers, to be stopped? When he urges that much of our grain is consumed in the still, may we not answer, and answer irresistibly, that it is consumed by being turned into poison, instead of bread? And can a stronger argument be imagined for the suppression of this detestable business, than that it employs multitudes, and that it is gainful and extensive?

Nothing, my lords, is more apparent, than that the real design of this Bill, however its defenders may endeavour to conceal it in the mist of sophistry, is to lay only such a tax as may increase the revenue; and that they have no desire of suppressing that vice which may be made useful to their private purpose, nor feel any regret to fill the exchequer by the slaughter of the people.

Lord *Aylesford:*

My lords; the noble lord who spoke last in defence of this new scheme, appears to have imbibed very strong prejudices in favour of the distillery, from which he finds it practicable to draw large sums for the support of the measures which have been already formed, and which he therefore considers as the most important and beneficial trade of the British nation.—It is not improbable, my lords, that in a short time all the provisions which have been made by the wisdom of our ancestors for the support of the woollen manufacture, will be transferred for the encouragement of the distillery, which appears to be at present the reigning favourite; for it is evident that both manufactures cannot subsist together, and that either must be continued by the ruin of the other.—Of these rivals, which is doomed to fall, we may conjecture from the encomium just now bestowed upon the prudence of the Commons, by whom the darling distillery has been so tenderly treated; yet that the trade, in which the bounty of nature has enabled us to excel all other nations of the world, may not be suffered to perish in silence, I will take this opportunity to declare, that this boasted prudence can, in my opinion, produce no other effects than poverty and ruin, private calamities and general wickedness; that by encouraging drunkenness at the expence of trade, it will stop all the currents by which the gold of foreign nations

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has flowed upon us, and expose us to conquest, and to slavery.

The question being then put, That the Bill do pass, it was resolved in the affirmative:—Content 59, Proxies 23, Total 82; Not Content 38, Proxies 17, Total 55.—The following lords entered their dissent, viz. the archbishop of Canterbury, Dr. Potter; the bishop of St. Asaph, Dr. Madox; bishop of London, Dr. Gibson; bishop of Chichester, Dr. Mawson; bishop of Norwich, Dr. Gooch; bishop of Gloucester, Dr. Benson; bishop of Oxford, Dr. Secker; bishop of Exeter, Dr. Claget; bishop of Bristol, Dr. Butler; bishop of Salisbury, Dr. Sherlock; also by the lords Romney, Stanhope and Aylesford, the duke of Beaufort, and lord Gower, C. P. S.

*Protest against passing the Spirituous Liquors Bill.*] And a Protest was entered with the following Reasons:

1. "Because the act of the 9th of his present majesty, 'To prevent the excessive drinking of Spirituous Liquors,' which is by this Bill to be repealed, declares, 'That the drinking of spirituous liquors or strong waters, is become very common, especially amongst the people of lower or inferior rank, the constant and excessive use whereof tends greatly to the destruction of their healths, rendering them unfit for useful labour and business, debauching their morals, and inciting them to perpetrate all manner of vices; and the ill consequences of the excessive use of such liquors, are not confined to the present generation, but extend to future ages, and tend to the devastation and ruin of this kingdom.' We therefore apprehend, that if an act designed to remedy such indisputable mischiefs was not found adequate to its salutary intention, the wisdom of the legislature ought to have examined its imperfections and supplied its defects, and not have rescinded it by a law authorizing the manifold calamities it was calculated to prevent.

2. "Because the refusing to admit the most eminent physicians to give their opinions of the fatal consequences of these poisonous liquors, may be construed without doors as a resolution of this House to suppress all authentic information of the pernicious effects of the health and morals of mankind, which will necessarily flow from the unrestrained licentiousness permitted by this Bill.

3. "Because as it is the inherent duty of every legislature to be watchful in protecting the lives, and preserving the morals of the people, so the availing itself of their vices, debaucheries and consequential miseries, to the destruction of millions, is a manifest inversion of the fundamental principles of national polity, and contrarient to those social emoluments by which government alone is instituted.

4. "Because the opulence and power of a nation depend upon the numbers, vigour, and industry of its people; and its liberty and happiness on their temperance and morality; to all which this Bill threatens destruction, by authorising 50,000 houses, the number admitted in the debate, to retail a poison, which, by universal experience, is known to debilitate the strong, and destroy the weak; to extinguish industry, and to inflame those intoxicated by its malignant efficacy, to perpetrate the most heinous crimes: for, what confusion and calamities may not be expected, when near a twentieth part of the houses in this kingdom shall be converted into seminaries of drunkenness and profligacy, authorised and protected by the legislative power? And as we conceive the contributions to be paid by these infamous recesses, and the money to be raised by this destructive project, are considerations highly unworthy the attention of parliament, when compared with the extensive evils from thence arising; so are we of opinion, that if the real exigencies of the public required raising the immense sums this year granted, they could by no means palliate the having recourse to a supply founded on the indulgence of debauchery, the encouragement of crimes, and the destruction of the human race. *(Signed)* —— Sandwich, Chesterfield, Talbot, Haversham, Dunk Halifax, Bristol, Ailesbury. For the above Reasons excepting the second. Bedford, Oxford and Mortimer, Ward."

END OF VOL. XII.

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